

FEDERAL REGISTER

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

VOLUME 12 NUMBER 26

Washington, Thursday, February 6, 1947

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 271—1946 CROP FLAXSEED PRODUCTION PAYMENTS

OFFER TO MAKE PAYMENTS; TERMINATION

Part 271 "1946 Crop Flaxseed Production Payments, Offer to Make Payments" (11 F. R. 6229) is hereby revoked, effective at 12:01 a. m., e. s. t. February 28, 1947.

Pursuant to § 271.6 *Prerequisites for payment of the Offer to Make Payments*, notice is hereby given that all applications for payment, and evidence with respect to eligibility to receive payments, under such offer must be filed or supplied in accordance with § 271.6 not later than 12:01 a. m., e. s. t. March 15, 1947. No payments will be made on applications filed, or evidence supplied, after such time.

(59 Stat. 50; 60 Stat. 57; 15 U. S. C. Supp. 713, 713a-8 (a); E. O. 9250, Oct. 3, 1942, 7 F. R. 7871)

Issued this 31st day of January 1947.

[SEAL]

COMMODITY CREDIT
CORPORATION,
JESSE B. GILMER,
Acting President.

[F. R. Doc. 47-1114; Filed, Feb. 5, 1947; 8:52 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 208—ELIGIBILITY FOR AN ANNUITY

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U. S. C. 228j), Part 208 of the regulations of the Railroad Retirement Board under such act (20 CFR and Cum. Supp., Part 208) is completely revised, including the renumbering of certain sections, to read as follows:

Sec.	
208.1	Statutory provision.
208.2	Employee status.
208.7	Annuities for employees.
208.9	Regular occupation defined.
208.11	Establishment of permanent disability for work in the applicant's "regular occupation".
208.13	"Any regular employment" defined.
208.15	Cessation of service to a local lodge or division.
208.17	Establishment of permanent disability for any regular employment.
208.25	Proof of continuance of disability.
208.27	Disability annuitant to notify of recovery from disability and of performance of service for hire or of self-employment.
208.29	When disability annuities cease.
208.31	Cessation of disability annuity not prejudicial to further eligibility.

AUTHORITY: §§ 208.1 to 208.31 inclusive (with exceptions cited in parenthesis following sections affected), issued under secs. 2, 10, 50 Stat. 309, secs. 203, 205, 206, Pub. Law 572, 79th Cong., 45 U. S. C., 228b, 228j.

§ 208.1 Statutory provision.

(a) The following described individuals, if they shall have been employees on or after the enactment date, shall, subject to the conditions set forth in section 1 (b), (c), and (d) of the act as amended be eligible for annuities after they shall have ceased to render compensated service to any person, whether or not an employer as defined in section 1 (a) of the act as amended (but with the right to engage in other employment to the extent not prohibited by subsection (d) of the act as amended):

(1) Individuals who on or after the enactment date shall be sixty-five years of age or over.

(2) Women who will have attained the age of sixty and will have completed thirty years of service.

(3) Individuals who will have attained the age of sixty and will have completed thirty years of service, but the annuity of such an individual shall be reduced by one one-hundred-and-eightieth for each calendar month that he is under age sixty-five when his annuity begins to accrue.

(4) Individuals having a current connection with the railroad industry, and whose permanent physical or mental condition is such as to be disabling for work in their regular occupation, and who (i) will have completed twenty years of service or (ii) will have attained the age of sixty. The Board, with the cooperation of employers and employees, shall secure the establishment of standards determining the physical and

(Continued on next page)

CONTENTS

	Page
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Carter, John Ridgely.....	878
Costs and expenses incurred in certain court actions of Territory of Hawaii.....	882
Gehrrens, C. M.....	877
Germany.....	876
Harms, Mrs. Ernestine.....	879
Heimann, E.....	880
Hotsuka, Ginzo, et al.....	879
Lynch, Elizabeth P.....	877
Mathias, Louis.....	880
Murakami, Shikazo.....	881
Nestmann, Louise.....	881
Off, Bertha A. M.....	877
Sarazin, Raoul Roland Raymond.....	878
Tafs, Amalie, and Jacob Tafs.....	881
Taggesell, Richard C. R.....	878
Tashiro, T.....	882
Toda, Amy.....	879
Utzenrath, Peter.....	878
Civil Aeronautics Board	
Notices:	
British Commonwealth Pacific Airlines Ltd.; hearing.....	869
Commodity Credit Corporation	
Rules and regulations:	
Flaxseed production payments, 1946; termination of offer to make payments.....	859
Federal Power Commission	
Notices:	
Hearings, etc.:	
Cities Service Gas Co.....	870
Consolidated Gas Utilities Corp.....	872
Gas Transport, Inc.....	871
Mississippi River Fuel Corp.....	871
Panhandle Eastern Pipe Line Co.....	871
Tennessee Natural Gas Lines, Inc.....	870
Indian Affairs, Office of	
Proposed rule making:	
Operation and maintenance charges:	
Crow Indian Irrigation Project, Montana.....	869
Salt River Indian Irrigation Project, Arizona.....	869



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

CONTENTS—Continued

Interstate Commerce Commission	Page
Notices:	
Apples, reconsignment at Seattle, Wash.-----	872
Rules and regulations:	
Motor carriers, reports; supplement to Motor Carrier Annual Report Form A-1947-----	866
Maritime Commission	
Rules and regulations:	
Contracts for carriage on vessels owned or chartered by Commission; uniform sugar charter-----	868
Insurance of construction-differential subsidy vessels and of vessels sold or adjusted under Merchant Ship Sales Act-----	863

RULES AND REGULATIONS

CONTENTS—Continued

Navy Department	Page
Rules and regulations:	
Naval establishment, organization and functions; Bureau of Ordnance-----	868
Railroad Retirement Board	
Rules and regulations:	
Eligibility for an annuity; revision-----	859
Securities and Exchange Commission	
Notices:	
Hearings, etc.:	
American Water Works and Electric Co., Inc. et al.-----	873
Gold Ore Mining Co.-----	872
National Power & Light Co. et al.-----	873
New York Water Service Corp. et al.-----	875
Public Service Co. of New Mexico-----	876
Selective Service System:	
Rules and regulations:	
DSS and other blank forms, obsolete and discontinued; disposal-----	862
War Assets Administration	
Rules and regulations:	
Personal property, disposal to educational and public-health institutions or instrumentalities-----	866
Surplus property located within continental U. S., its territories and possessions; designation of disposal agencies and procedures for reporting-----	863

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

Title 6—Agricultural Credit	Page
Chapter II—Production and Marketing Administration (Commodity Credit):	
Part 271—1946 crop flaxseed production payments-----	859
Title 20—Employees' Benefits	
Chapter II—Railroad Retirement Board:	
Part 208—Eligibility for annuity-----	859
Title 25—Indians	
Chapter I—Office of Indian Affairs:	
Part 130—Orders fixing operation and maintenance charges (proposed) (2 documents)-----	869
Title 32—National Defense	
Chapter VI—Selective Service System:	
Part 671—Local board memoranda-----	862
Chapter XXIII—War Assets Administration:	
Part 8301—Designation of disposal agencies and procedures for reporting surplus property located within the continental U. S., its territories and possessions-----	863

CODIFICATION GUIDE—Con.

Title 32—National Defense—Continued	Page
Chapter XXIII—War Assets Administration—Continued	
Part 8314—Disposal to nonprofit institutions and discounts for educational or public-health institutions or instrumentalities-----	866
Title 34—Navy	
Chapter I—Department of the Navy:	
Part 26—Organization and functions of naval establishment-----	868
Title 46—Shipping	
Chapter II—Maritime Commission:	
Part 289—Insurance of construction-differential subsidy vessels and of vessels sold or adjusted under Merchant Ship Sales Act of 1946-----	868
Part 303—Contracts for carriage on vessels owned or chartered by Maritime Commission-----	868
Title 49—Transportation and Railroads	
Chapter I—Interstate Commerce Commission:	
Part 205—Reports of motor carriers-----	866

mental conditions which permanently disqualify employees for work in the several occupations in the railroad industry, and the Board, employers, and employees shall cooperate in the promotion of the greatest practicable degree of uniformity in the standards applied by the several employers. An individual's condition shall be deemed to be disabling for work in his regular occupation if he will have been disqualified by his employer because of disability for service in his regular occupation in accordance with the applicable standards so established; if the employee will not have been so disqualified by his employer, the Board shall determine whether his condition is disabling for work in his regular occupation in accordance with the standards generally established; and, if the employee's regular occupation is not one with respect to which standards will have been established, the standards relating to a reasonably comparable occupation shall be used. If there is no such comparable occupation, the Board shall determine whether the employee's condition is disabling for work in his regular occupation by determining whether under the practices generally prevailing in industries in which such occupation exists such condition is a permanent disqualification for work in such occupation. For the purposes of this section, an employee's "regular occupation" shall be deemed to be the occupation in which he will have been engaged in more calendar months than the calendar months in which he will have been engaged in any other occupation during the last preceding five calendar years, whether or not consecutive, in each of which years he will have earned wages or salary, except that, if an employee establishes that during the last fifteen consecutive calendar years he will have been engaged in another occupation in one-half or more of all the months in which he will have earned wages or salary, he may claim such other occupation as his regular occupation; or

(5) Individuals whose permanent physical or mental condition is such that they are unable to engage in any regular employment and who (i) have completed ten years of service, or (ii) have attained the age of sixty.

Such satisfactory proof shall be made from time to time as prescribed by the Board, of the disability provided for in subparagraph 4 or 5 of this paragraph and of the continuance of such disability (according to the standards applied in the establishment of such disability) until the employee attains the age of sixty-five. If the individual fails to comply with the requirements prescribed by the Board as to proof of the continuance of the disability until he attains the age of sixty-five years, his right to an annuity by reason of such disability shall, except for good cause shown to the Board, cease, but without prejudice to his rights to any subsequent annuity to which he may be entitled. If before attaining the age of sixty-five an employee in receipt of an annuity under subparagraph 4 or 5 of this paragraph is found by the Board to be no longer disabled as provided in said paragraph his annuity shall cease upon the last day of the month in which he ceases to be so disabled. An employee, in receipt of such annuity, who earns more than \$75 in service for hire, or in self-employment, in each of any six consecutive calendar months, shall be deemed to cease to be so disabled in the last of such six months; and such employee shall report to the Board immediately all such service for hire, or such self-employment. If after cessation of his disability annuity the employee will have acquired additional years of service, such additional years of service may be credited to him with the same effect as if no annuity had previously been awarded to him.

(b) An annuity shall be paid only if the applicant shall have relinquished such rights as he may have to return to the service of an employer and of the person by whom he was last employed; but this requirement shall not apply to the individuals mentioned in paragraphs (a) 4 and 5 of this section prior to attaining age sixty-five.

(c) An annuity shall begin to accrue as of a date to be specified in a written application (to be made in such manner and form as may be prescribed by the Board and to be signed by the individual entitled thereto), but:

(1) not before the date following the last day of compensated service of the applicant, and

(2) not more than sixty days before the filing of the application.

§ 208.2 Employee status. To be eligible for an annuity an individual, in addition to other qualifications, must have been an employee on August 29, 1935 or, if not an employee on that date, he must have rendered service subsequent to December 31, 1936 as an employee. (Secs. 1, 10, 50 Stat. 308, 314 as amended; 45 U. S. C. 228a, 228j.)

§ 208.7 Annuities for employees. (a) Subject to the provisions of paragraphs (b) and (c) of this section, an individual who has been an employee on or after August 29, 1935, and ceased to render service for compensation to any person, whether or not an employer under the act, is eligible for an annuity if

(1) The individual has attained the age of sixty-five, or the individual is a woman, and (i) has attained the age of sixty and (ii) has completed at least three-hundred and fifty-four months of service, or

(2) The individual has attained the age of sixty and has completed at least

three-hundred and fifty-four months of service, but the annuity of such an individual, other than a woman, shall be reduced by one one-hundred and eightieth for each calendar month he is under age sixty-five when his annuity begins to accrue, or

(3) The individual has a current connection with the railroad industry and his permanent physical or mental condition is such as to be disabling for work in his regular occupation, and (i) has completed at least two-hundred and thirty-four months of service, or (ii) has attained the age of sixty, or

(4) The physical or mental condition of the individual is such that he is unable to engage in any regular employment and (i) has completed at least one-hundred and fourteen months of service, or (ii) has attained the age of sixty.

(b) No annuity shall be certified for payment to an individual until such time as he has filed with the Board a duly executed application form, has established by proof satisfactory to the Board that he possesses all the qualifications therefor, and, except for an individual whose eligibility for an annuity is determined in accordance with subparagraphs (3) or (4) of paragraph (a) of this section, has relinquished rights to return to service as required by Part 216 of this chapter. In no case shall an annuity begin to accrue earlier than (1) two months prior to the date upon which the application therefor was filed with the Board, or (2) July 1, or December 1, respectively, if such application is filed with the Board on August 31 or January 31; or (3) the day following the last day of the applicant's compensated service. An individual whose eligibility for an annuity is determined in accordance with subparagraphs (3) or (4) of paragraph (a) of this section, shall relinquish rights to return to service as required by Part 216 of this chapter upon his attainment of age sixty-five.

(c) Except as provided in § 208.31 and in section 407 of the 1946 amendments to the Railroad Retirement Act enacted as Public Law 572, 79th Cong., after an annuity has been awarded to an individual, he shall not be eligible for an increase in such annuity, or for a new or additional annuity, by reason of acquiring, after the annuity awarded him began to accrue, any additional service or compensation or any additional eligibility qualifications.

§ 208.9 Regular occupation defined. For the purpose of an annuity under § 208.7 (a) (3), an individual's regular occupation shall be his occupation in the railroad industry in which (a) he has been engaged in service for hire, including service for hire outside the railroad industry, in more calendar months than the calendar months in which he has been engaged in service for hire in any other occupation, whether or not in the railroad industry, during the last preceding five calendar years, whether or not consecutive, or (b) he has been engaged in service for hire, including service for hire outside the railroad industry, in not less than one-half of all the months in which he has been engaged in

service for hire, whether or not in the railroad industry, during the last preceding fifteen consecutive calendar years.

§ 208.11 Establishment of permanent disability for work in the applicant's "regular occupation". An individual's physical or mental condition shall be deemed to be permanently disabling for work in his "regular occupation", whether or not he has been disqualified for such work by his employer, if, in accordance with the occupational disability standards established by the Board, he is physically or mentally unable to perform the duties of such occupation, and the facts of his physical or mental condition afford a reasonable basis for an inference that such condition is permanent. The cause of the disabling physical or mental condition is immaterial. If the employee's regular occupation is one with respect to which occupational disability standards have not been established by the Board, the occupational disability standards established by the Board for a reasonably comparable occupation in the railroad industry shall govern the determination of the individual's inability to work in his regular occupation; and in the absence of such comparable occupation, such determination shall be made by ascertaining whether under the practices generally prevailing in other industries having such occupation, the individual's physical or mental condition is a permanent disqualification for work in his regular occupation. The condition of permanent disability for work in the individual's regular occupation must be established in each particular case in the manner and to the extent prescribed by the Board.

§ 208.13 "Any regular employment" defined. "Regular employment" as used in this part and Part 237 of this chapter means full or part time service for remuneration by an individual in the employ of another on a recurring basis. For the purposes of this section, an individual performing service for remuneration, whether or not under a contract, shall be deemed to be in the employ of another unless such service is performed as a part of his independently established trade, business or occupation; and in the absence of evidence to the contrary, an individual shall be presumed to be regularly employed if he has been paid remuneration of not less than \$200 in each of two consecutive calendar quarters.

§ 208.15 Cessation of service to a local lodge or division. In determining whether an individual has ceased to render compensated service to a local lodge or division of a railway-labor-organization employer the Board shall not consider as a day of compensated service any day in any month with respect to which month the individual earned compensation that is required to be disregarded within the provisions of § 222.3 (f) of this chapter. (Sec. 10, 50 Stat. 314, sec. 25, 54 Stat. 1100; 45 U. S. C. 228a, 228j.)

§ 208.17 Establishment of permanent disability for any regular employment. (a) An individual is permanently disabled from engaging in any regular em-

employment whenever his physical or mental condition is such that he is unable to perform regularly, in the usual and customary manner, the substantial and material duties of any regular and gainful employment which is substantial and not trifling, with any employer, whether or not subject to the Act, and the facts of his physical or mental condition afford a reasonable basis for an inference that such condition is permanent.

(b) The condition of permanent disability for any regular employment must be established in each particular case in the manner and to the extent prescribed by the Board. The following disabilities, while not an exclusive or exhaustive catalogue of conditions under which an individual may be considered permanently disabled from engaging in any regular employment are disabilities from which the Board will presume, in the absence of facts to the contrary, that an individual is so disabled:

(1) Loss of, or permanent loss of use of, both feet.

(2) Loss of, or permanent loss of use of, both hands.

(3) Loss of, or permanent loss of use of, one hand and one foot.

(4) Permanent industrial blindness (corrected vision of twenty two-hundredths or less in both eyes).

(5) Permanent total loss of hearing in both ears (inability to hear the conversational tone of voice at any distance) unless offset or capable of being offset by some practicable device.

(6) Permanently helpless or permanently bedridden.

(7) Aphonia (complete loss of vocalization, (phonetic) from organic, i. e., non-functional cause).

§ 208.25 *Proof of continuance of disability.* An individual who has been awarded an annuity upon the basis of his having become totally and permanently disabled for regular employment for hire, or upon the basis of his having become permanently disabled for work in his regular occupation, shall, as and whenever notified by the Board, submit any information which the Board may require relating to his employment, including self-employment, and earnings therefrom, while in the receipt of such an annuity, and shall submit to an examination to be made by a physician, or physicians, or a board of physicians, designated by the Board. The Board may at any time or times require additional proof of the continuance of the disability which served as the basis for awarding such annuity. The provisions of this section shall not apply to an individual after he has attained age sixty-five (or in the case of a woman with three hundred and fifty-four months of creditable service, after she has attained age sixty).

§ 208.27 *Disability annuitant to notify of recovery from disability, and of performance of service for hire or of self-employment.* It shall be the duty of an individual awarded an annuity upon the basis of total and permanent disability for regular employment for hire, or upon the basis of permanent disability for

work in his regular occupation, to notify the Board before he attains age sixty-five (or in the case of a woman with three hundred and fifty-four months of service before she attains age sixty) of his recovery from such disability and of any service for hire or self-employment in a period and to the extent described in § 208.29 (2).

§ 208.29 *When disability annuities cease.* (a) An annuity awarded to an individual upon the basis of his having become totally and permanently disabled for regular employment for hire, or upon the basis of his having become permanently disabled for work in his regular occupation, shall cease before the individual attains age sixty-five (or in the case of a woman with three hundred and fifty-four months of service, before she attains age sixty) as of the last day of:

(1) The month in which he recovers from such disability; or

(2) Except in the case of individuals awarded disability annuities prior to July 31, 1946, a period of six consecutive calendar months in each of which he earns more than seventy-five dollars in service for hire or in self-employment: *Provided*, That the Board may at any time require compliance with § 208.25.

(3) The month preceding the month during which he dies, regardless of his age; or

(4) The month following the month in which a notice was mailed to him requiring him to furnish additional proof of the continuance of his disability, if he failed to comply with such notice; or

(5) The month in which the Board receives notice of his failure to appear for, or submit to, a required examination; or

(6) The month in which he was required to furnish the Board with any information relating to employment, earnings and his physical or mental condition, if he failed to furnish such information.

(b) The annuity of an individual, based upon either the disability described in subparagraph (3) or in subparagraph (4) of paragraph (a) of § 208.7, who fails to relinquish rights, to return to service in accordance with Part 216 of this chapter shall be suspended as of the end of the month in which he attains age sixty-five. Annuity payments which ceased by reason of non-compliance with the provisions of one or more of paragraphs (a) (4) through (a) (6) of this section shall be restored if within a reasonable time the annuitant shows good cause for such non-compliance.

§ 208.31 *Cessation of disability annuity not prejudicial to further eligibility.* The cessation pursuant to § 208.29 of a disability annuity, shall not prejudice any rights of the individual formerly in receipt of such annuity, to any annuity to which he may thereafter become entitled; and for such purpose, years of service acquired by such an individual whose annuity shall have so ceased prior to age sixty-five (or in the case of a woman with three hundred and fifty-four months of service, prior to age sixty), may be credited with the same

effect as if no annuity had previously been awarded.

Dated: January 31, 1947.

By Authority of the Board.

[SEAL]

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 47-1109; Filed, Feb. 5, 1947;
8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Local Board Memorandum No. 197-C, Issued:
10/3/45,¹ as Amended: 2/5/47]

PART 671—LOCAL BOARD MEMORANDUM

DISPOSAL OF OBSOLETE AND DISCONTINUED DSS AND OTHER BLANK FORMS

Pursuant to the provisions of the Administrative Procedures Act, the following directive issued under authority of the Selective Training and Service Act of 1940, as amended, is hereby made a matter of record:

§ 671.197c *Disposal of obsolete and discontinued DSS and other blank forms—*

(a) *Disposition of obsolete printings of DSS blank forms.* Local boards and all other agencies of the Selective Service System are hereby authorized to dispose of all obsolete printings of DSS blank forms. Current printings of DSS blank forms as set forth in the Table of Current Forms and Instructions in the front of the Form Manual, together with any revisions of forms or new forms issued subsequent to the effective date of such table are to be retained for use in the normal course of operations.

(b) *Disposition of discontinued DSS blank forms.* Local boards and all other agencies of the Selective Service System are hereby authorized to dispose of all discontinued DSS blank forms listed in the Table of Discontinued Forms dated January 1, 1947¹ or which may be listed in any Table of Discontinued Forms issued as of a later date.

(c) *Disposal of discontinued and obsolete printings of Standard and other blank forms.* Local boards and all other agencies of the Selective Service System are authorized to dispose of all discontinued and obsolete printings of Standard, War Department, Civil Service Commission, Compensation Commission, and other blank forms adopted for use by the Selective Service System as such forms are discontinued or as the printings of such forms become obsolete.

(d) *Method of disposal.* Disposition under this authorization shall be accomplished by mutilation and salvage in accordance with the provisions of Local Board Memorandum No. 197, issued 4/16/45.¹ Blank forms only will be disposed of. (54 Stat. 885 as amended; 50 U. S. C. and Sup. 310)

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 47-1116; Filed, Feb. 5, 1947;
8:52 a. m.]

¹ Not on file or published by the Division of the Federal Register.

Chapter XXIII—War Assets Administration

[Reg. 1]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

War Assets Administration Regulation 1, July 19, 1946, as amended to December 31, 1946 (11 F. R. 7970, 10221, 13969, 12 F. R. 100) is hereby revised and amended as herein set forth. New matter is indicated by underscoring. Order 1, July 19, 1946, as amended (11 F. R. 7973, 12 F. R. 100), Order 2, December 30, 1946 (12 F. R. 101), Order 3, June 13, 1946, as amended (11 F. R. 6774, 9572, 14490), Order 7, July 19, 1946 (11 F. R. 7977), Order 8, August 16, 1946 (11 F. R. 9760), Order 9, May 14, 1946 (11 F. R. 5399), Order 10, October 25, 1946 (11 F. R. 12794), and Order 11, November 30, 1946 (11 F. R. 14074) under this part shall remain in full force and effect.

Sec.

- 8301.1 Definitions.
- 8301.2 Designation of disposal agencies; continental United States.
- 8301.3 Designation of disposal agencies; territories and possessions.
- 8301.4 Designation of disposal agency for, and disposal of military property.
- 8301.5 Use of Standard Commodity Classification for purpose of assignments.
- 8301.6 Declaration of surplus property.
- 8301.7 Declarations of surplus personal property; forms; description of property.
- 8301.8 Declarations of surplus personal property; special information from owning agencies.
- 8301.9 Declaration of surplus real property.
- 8301.10 Continental United States; filing declarations of surplus personal property resulting from contractor inventories.
- 8301.11 Continental United States; filing declarations of surplus personal property.
- 8301.12 Continental United States, territories and possessions; filing declarations of surplus real property.
- 8301.13 Territories and possessions; filing declarations of surplus personal property.
- 8301.14 Forwarding declarations of surplus; notice.
- 8301.15 Withdrawals.
- 8301.16 Sales by a disposal agency other than the one to which the property is assigned.
- 8301.17 Transfer of surplus property between territories and possessions and continental United States.
- 8301.18 Authority of disposal agencies to dispose of surplus property.
- 8301.19 Regulations to be reported to the War Assets Administrator.
- 8301.20 Records and reports.

AUTHORITY: §§ 8301.1 to 8301.20, inclusive, issued under the Surplus Property Act of 1944 as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265).

§ 8301.1 *Definitions*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are de-

fined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Continental United States" means the 48 States and the District of Columbia.

(2) "Territories and possessions" means Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands.

(3) "Real property" means all classes of real property together with any fixtures and improvements thereon and is not limited to the definition thereof as contained in section 23 of the act.

(4) "Section 23 real property" means property consisting of land, together with any fixtures and improvements thereon (including hotels, apartment houses, hospitals, office buildings, stores, and other commercial structures) located outside the District of Columbia, but does not include (i) commercial structures constructed by, at the direction of, or on behalf of any Government agency, (ii) commercial structures which the Administrator determines have been made an integral part of a functional or economic unit which should be disposed of as a whole, and (iii) war housing, industrial plants, factories, airports, airport facilities, or similar structures and facilities, or the sites thereof, or land which the Administrator determines essential to the use of any of the foregoing.

(5) "Handbook of Standards" means the Handbook of Standards for describing Surplus Property prepared for the Surplus War Property Administration by the War Production Board (U. S. Government Printing Office).

(6) "Standard Commodity Classification" means the Standard Classified List of Commodities, being Volume I of the Standard Commodity Classification, May, 1943 (U. S. Government Printing Office).

§ 8301.2 *Designation of disposal agencies; continental United States.* The following Government agencies are hereby designated as disposal agencies for surplus property located within the continental United States: *Provided*, That the Administrator may assign any real property to any of the disposal agencies designated in this part regardless of its classification whenever the Administrator shall determine such assignment appropriate to facilitate disposal:

(a) *Patrol vessels; Navy Department.* The Navy Department is hereby designated as the disposal agency for certain patrol vessels assigned to it by Order 1 under this part.

(b) *Ships and maritime personal property; Maritime Commission.* The United States Maritime Commission is hereby designated as the disposal agency for ships and maritime personal property, except maritime personal property declared as surplus as a part of marine industrial real property and except vessels assigned in paragraph (a) of this section. The general class of property, "ships and maritime personal property", includes property assigned to the Maritime Commission by Order 1 under this part.

(c) *Agricultural commodities and food; Department of Agriculture.* The Department of Agriculture is hereby designated as the disposal agency for agricultural commodities and food. This general class of property, "agricultural commodities and food" includes property assigned to the Department of Agriculture by Order 1 under this part.

NOTE: Former paragraphs (d) and (e) deleted, former paragraph (f) revised and redesignated (d), and former paragraph (g) redesignated (e) Jan. 29, 1947.

(d) *Agricultural, forest, grazing and mineral property; Department of Agriculture.* The Department of Agriculture is hereby designated as the disposal agency for surplus section 23 real property located within the continental United States which the Administrator shall classify as agricultural, forest, grazing or mineral property: *Provided, however*, That the Department of Interior is designated as disposal agency for all such property classified as grazing or mineral property which was assigned to it for disposal prior to the 23d day of February 1947.

(e) *All other property.* The War Assets Administration is hereby designated as the disposal agency for all other property including:

(1) Property assigned to the War Assets Administration by Order 1 under this part.

(2) All industrial real property (including buildings and fixtures and real property which is suitable and equipped for mining operations), and land which the Administrator shall determine is essential to the use of industrial plants, factories, and similar structures and facilities.

(3) Personal property (including machinery, equipment, and materials and products finished or in process) which is declared surplus together with and as a part of a plant or other real property assigned to the War Assets Administration. If the War Assets Administration shall determine not to dispose of any such personal property as part of such plant or other real property, such personal property shall be disposed of by the appropriate disposal agency designated in this part, and the War Assets Administration will, upon its determination aforesaid, forward declarations of surplus covering such property to such disposal agency.

(4) Structures of a portable, demountable or prefabricated nature (except housing assigned to the National Housing Agency by paragraph (d) of this section) including quonset and similar huts, when declared surplus separate from any sites thereof.

(5) Aircraft and property peculiar to aircraft.

(6) Railroads, including land, trackage, rights of way, structures and equipment used or useful in connection therewith.

(7) Pipelines and facilities used for transporting petroleum products or gas.

(8) Airport property to be disposed of as such (including buildings and fixtures) and land which the Administrator

shall determine is essential to the use of such property.

(9) Power plants and facilities and power transmission lines and rights of way, and land which the Administrator shall determine is essential to the use of such property.

(10) All structures and improvements which are to be disposed of for removal off-site by demolition or otherwise. Where a disposal agency determines that structures and improvements assigned to it for disposal should be disposed of for removal off-site, the disposal agency shall forward to the War Assets Administration, Washington 25, D. C., a declaration of surplus covering such structures and improvements unless the Administrator directs otherwise.

(11) Marine industrial real property (including buildings and fixtures) such as shipyards, ship repair yards, and marine terminals.

(12) Personal property (including machinery, equipment, and materials and products finished or in process) which is declared as surplus as a part of marine industrial real property.

(13) Commercial real property (including buildings and fixtures, and whether or not section 23 real property) and land which the Administrator shall determine is essential to the use of such property; community facilities financed through Federal Works Agency, and all other section 23 real property for which another disposal agency is not expressly designated in this part: *Provided, however, That Federal Works Agency is designated as disposal agency for all such property which was assigned to it for disposal prior to the 29th day of January 1947.*

(14) Residential property, whether or not section 23 real property, which includes:

(i) Real property used for residential or residential projects or developments, together with the structures thereon.

(ii) Housing of a portable, demountable, or prefabricated nature (except house trailers) when declared surplus separate from any sites thereof.

(iii) Personal property, such as housing equipment and furnishings, which is declared surplus to the War Assets Administration as part of residential property. If the War Assets Administration shall determine not to dispose of such personal property as part of residential property, such personal property shall be disposed of by the appropriate disposal agency designated in this part, and the War Assets Administration shall forward declarations of surplus covering such property to such disposal agency.

(iv) Community facilities (including such equipment and furnishings as are disposed of therewith) financed through the National Housing Agency which may be used in connection with residential projects.

(v) Land which the Administrator determines is essential for residential purposes: *Provided, however, That National Housing Agency is designated as disposal agency for all such residential property which was assigned to it for disposal prior to the 29th day of January 1947.*

§ 8301.3 *Designation of disposal agencies; territories and possessions.* The following designations of Government agencies as disposal agencies for surplus property located in the territories and possessions of the United States as defined in § 8301.1, are hereby made, *Provided, That the Administrator may assign any real property located in the territories and possessions to any of the disposal agencies designated in this part regardless of its classification whenever the Administrator shall determine such assignment appropriate to facilitate disposal.*

(a) *All personal property not otherwise assigned; War Assets Administration.* War Assets Administration is hereby designated as the disposal agency for all personal property, including aircraft and property peculiar to aircraft, not otherwise assigned under this section and located in the territories and possessions.

(b) *Ships and maritime property; Maritime Commission.* The United States Maritime Commission is hereby designated as the disposal agency for vessels which it determines to be merchant vessels or capable of conversion to merchant use.

(c) *All real property; Department of the Interior.* The Department of the Interior is hereby designated as the disposal agency for all real property located in the territories and possessions.

§ 8301.4 *Designation of disposal agency for, and disposal of military property.* The Department of State is hereby designated as the disposal agency for surplus military property located in the continental United States, its territories and possessions, for disposal to other governments. With the consent of the State Department, owning agencies are authorized to file declarations of such surplus property with the Department of State, Office of the Foreign Liquidation Commissioner, Washington 25, D. C.; such declarations of surplus as are filed with the State Department shall have endorsed thereon the approval of an officer of the owning agency to be designated as its representative for coordination with the State Department. If there are included in such declarations of surplus any substantial quantity of items which may be used for civilian purposes, the State Department shall consult with the appropriate Government agencies (including domestic disposal agencies) to ascertain whether such items are required for reserves established under the act for priority or preference claimants or are urgently required for the domestic economy. If the Department of State

determines that such items are so required, it shall forward the declaration of surplus covering such items to the appropriate disposal agency. The term "military property" includes all arms, ammunition, spare parts, accessories, maintenance and service tools and equipment, cleaning and preserving materials, military automotive equipment, aircraft and aircraft maintenance and servicing equipment, naval combat type and auxiliary vessels (excluding vessels referred to in section 3 (d) of the act), special military clothing and equipage, and all other items required to train, equip, and maintain military, aviation, and naval units as listed in approved tables of organization and equipment and technical publications pertaining thereto for United States armed forces, and production equipment specially designed to produce munitions. No disposal agency other than the State Department shall dispose of any arms, ammunition, and implements of war as defined by the President's Proclamation No. 2549 of April 9, 1942, and facilities intended for the production thereof to any foreign government without the consent in writing of the State Department.

§ 8301.5 *Use of Standard Commodity Classification for purpose of assignments.* The assignments made in Order 1 under this part through the use of Standard Commodity Classification code numbers are intended to be in aid of and supplementary to the assignments of the general classes of property made in § 8301.2. If, therefore, items fall within a general class of property assigned by this part but these items are not listed in the Standard Commodity Classification, they shall be disposed of by the disposal agency to which the general class of property is assigned. Similarly, if the Standard Commodity Classification does not indicate that an item is included within more than one of the general classes of property assigned in § 8301.2, the assignment of the general class shall control.

§ 8301.6 *Declaration of surplus property.* Each owning agency shall, pursuant to section 11 (a) of the act, continuously survey property in its control and determine that which is surplus to its needs and responsibilities, and, except for such property as the owning agency itself is authorized to dispose of, it shall report such surplus property to the Administrator and to the appropriate disposal agency designated in this part. The reporting of surplus personal property by an owning agency to a disposal agency shall constitute a declaration of surplus. When the disposal agency has notified the owning agency of the date on which any specific location will be organized for disposal operations at the site, the owning agency shall discontinue, as of the specified date, all declarations on WAA Form 1001 (formerly Form SPB-1) of property at such location, unless expressly requested otherwise by the disposal agency.

§ 8301.7 *Declarations of surplus personal property; forms; description of property.* Subject to the provisions of § 8301.9 owning agencies shall declare

surplus personal property to the Administrator and to the appropriate disposal agencies on forms as prescribed by Order 3 under this part. The property shall be described in sufficient detail to furnish the disposal agency with an adequate basis for disposal. Unless other provision is made, the minimum standards of description prescribed by the Handbook of Standards for Describing Surplus Property shall be used as a guide for all such descriptions.

§ 8301.8 *Declarations of surplus personal property; special information from owning agencies—(a) Limitations on power of disposal.* Declarations of surplus personal property shall fully set forth any legal restrictions upon the authority of the Government to dispose of any personal property, including any restrictions upon the disposal or use thereof arising from any patents or any contract relating thereto, unless such information relating to patents has otherwise been furnished to the disposal agencies.

(b) *Red Cross property.* Declarations of surplus personal property shall designate any such property known to have been processed, produced or donated by the American Red Cross.

§ 8301.9 *Declaration of surplus real property.* The owning agency shall notify the Administrator by a letter of intent on the date upon which it is determined that real property and any personal property connected therewith is no longer required by the owning agency. Where surplus personal property is located in or on such real property, the owning agency shall, unless otherwise directed by the Administrator, declare such personal property surplus in conjunction with the real property. The filing with the Administrator of an acceptable WAA Form 1005, together with WAA Form 1001 where personal property is involved, shall constitute a declaration of surplus real property.

§ 8301.10 *Continental United States; filing declarations of surplus personal property resulting from contractor inventories.* If an owning agency takes possession of any contractor inventory located in the continental United States, it may declare such property surplus to the regional office of the War Assets Administration for the region wherein the property is located. If any property so declared is of a class other than that which is assigned to the War Assets Administration by this part, it will make the necessary classification and forward the declarations to the appropriate disposal agencies unless disposal of such property by the War Assets Administration is authorized under § 8301.16. This section shall not apply to agricultural commodities and foods.

§ 8301.11 *Continental United States; filing declarations of surplus personal property.* Declarations of surplus personal property located within the continental United States shall be filed on forms prescribed by Order 3 under this part at the office of the War Assets Administrator, Washington 25, D. C., and at the office of the appropriate disposal agencies as follows except as otherwise

indicated in Order 2 under this part: At the regional offices of the War Assets Administration and at the Washington, D. C. offices of all other disposal agencies. The locations of these offices and the areas comprised by the regions are set forth in Order 2 under this part.

§ 8301.12 *Continental United States, territories and possessions; declarations of surplus real property—(a) Filing.* Declarations of surplus real property shall be filed with the War Assets Administrator, Washington 25, D. C. Where personal property is to be declared surplus in conjunction with real property, the owning agency shall in advance notify the appropriate regional office of War Assets Administration or, in the territories and possessions, the appropriate office of the Department of the Interior, of the date on which WAA Form 1001 will be ready for filing. Such office may designate a representative with whom the form may be filed at the installation site and who shall be authorized to accept the declaration for filing. If for any reason such form is not so filed with the designated representative it shall be filed at the War Assets Administration regional office, or, in the territories and possessions, at the appropriate office of the Department of the Interior.

(b) *Transmitting.* The Administrator will transmit the declaration to the appropriate disposal agency and will notify the owning agency of such transmittal.

§ 8301.13 *Territories and possessions; filing declarations of surplus personal property.* Declarations of surplus personal property located in the territories and possessions shall be filed on the forms prescribed in Order 3 under this part with the War Assets Administrator, Washington 25, D. C., and at such offices of the appropriate disposal agency as are specified in Order 2 under this part, or, if not specified, as the disposal agency may direct.

§ 8301.14 *Forwarding declarations of surplus; notice.* Whenever surplus declarations are forwarded by one disposal agency to another disposal agency or to the Administrator under this part, the forwarding disposal agency shall so notify the owning agency which filed the declaration.

§ 8301.15 *Withdrawals—(a) Personal property.* With the consent of the disposal agency, an owning agency may withdraw personal property which it has declared surplus and for which a declaration has been transmitted to such disposal agency pursuant to this part: *Provided, however,* That such withdrawals may be made only (1) on the forms prescribed by Order 3 under this part, (2) by the technical service, bureau, or other constituent part of the owning agency, which made the declaration, or its successor, and (3) upon the agreement of the owning agency to pay all freight charges in connection with the movement of the property to the point designated by such agency, in cases where the disposal agency has assumed custody and accountability.

(b) *Real property.* A request by an owning agency for the withdrawal of a declaration of surplus real property shall be transmitted to the Administrator by the filing of WAA Form 1005¹ (formerly Form SPB-5) with complete justification for the requested withdrawal. In cases where the disposal agency has incurred direct costs or obligations in connection with the care or handling of the property, the withdrawal by the owning agency shall be on condition that the disposal agency be reimbursed for any direct costs so incurred and relieved of any such obligations. The Administrator, after consideration of the request and any additional evidence which he deems appropriate, will notify the owning agency and the appropriate disposal agency, if the declaration previously was transmitted thereto, of his decision.

§ 8301.16 *Sales by a disposal agency other than the one to which the property is assigned.* A disposal agency may dispose of personal property which is declared to it as surplus but which is assigned under this part to another disposal agency: *Provided, however,* That disposal of any item of personal property in excess of a reported cost of three hundred dollars (\$300) may be made only with the consent of such other disposal agency.

§ 8301.17 *Transfer of surplus property between territories and possessions and continental United States.* No surplus personal property shall be transferred by a disposal agency from one territory or possession to another, or to the continental United States, without the consent of the disposal agency acting as such at the place of destination. Where such consent is given and the transfer is made, disposal shall be made by the disposal agency acting as such at the place of destination.

§ 8301.18 *Authority of disposal agencies to dispose of surplus property—(a) In general.* The disposal agencies designated in this part are hereby authorized and directed to dispose of property declared or assigned to them as surplus. Disposals shall be made in accordance with regulations, orders, and instructions of the War Assets Administrator and those of the Surplus Property Administrator, the Surplus Property Board and the Surplus War Property Administration (created by Executive Order 9425, February 19, 1944) which have not been rescinded and superseded, and in accordance with the objectives and provisions of the act.

(b) *Aircraft, aircraft parts, radio and electrical equipment.* The appropriate disposal agencies are hereby authorized, in accordance with section 19 (c) of the act, to dispose of aircraft and aircraft parts and radio and electrical equipment.

§ 8301.19 *Regulations to be reported to the War Assets Administrator.* Each owning agency and each disposal agency shall file with the War Assets Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

¹ Reg. 1, Order 3 (11 F. R. 6774, 9572).

§ 8301.20 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the War Assets Administrator in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

This revision of this part shall become effective February 23, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JANUARY 29, 1947.

[F. R. Doc. 47-1176; Filed, Feb. 4, 1947;
4:41 p. m.]

[Reg. 14, Amdt. 1 to Order 7]

PART 8314—DISPOSAL TO NONPROFIT INSTITUTIONS AND DISCOUNTS FOR EDUCATIONAL OR PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES

DISPOSAL OF PERSONAL PROPERTY TO EDUCATIONAL AND PUBLIC-HEALTH INSTITUTIONS AND INSTRUMENTALITIES

War Assets Administration Regulation 14, Order 7, January 13, 1947, entitled "Disposal of Personal Property to Educational and Public-Health Institutions and Instrumentalities" (12 F. R. 3961) is hereby amended by adding to Exhibit A of § 8314.57 the following additional classifications:

Commodity code classification

- 57 1110 Glass Stem Thermometer Systems.
- 57 1150 Solid Expansion Thermometers.
- 57 1160 Pressure Tube Thermometer Systems.
- 57 1180 Thermometer Accessories.
- 57 1200 Electric Resistance Temperature Instruments and Accessories.
- 57 1310 Pyrometers, Electrical Type.
- 57 1320 Pyrometers, Radiation Type.
- 57 1322 Pyrometers, Radiation Type, Potentiometer.
- 57 1330 Pyrometers, Thermocouple Type.
- 57 1331 Pyrometers, Thermocouple Type, Millivoltmeter.
- 57 1332 Pyrometers, Thermocouple Type, Potentiometer.
- 57 2100 Voltmeters.
- 57 2200 Ammeters.
- 57 2900 Electric Quantity Instruments and Accessories (N. E. C. Testers).
- 58 3000 Surgical and Medical Instruments, except diagnostic (Japanese instruments only).

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1161); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and E. O. 9689 (11 F. R. 1265))

This amendment shall become effective January 30, 1947.

ROBERT M. LITTLEJOHN,
Administrator.

JANUARY 27, 1947.

[F. R. Doc. 47-1175; Filed, Feb. 4, 1947;
4:41 p. m.]

¹ Reg. 14, 11 F. R. 11505.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 205—REPORTS OF MOTOR CARRIERS SUPPLEMENT TO MOTOR CARRIER ANNUAL REPORT FORM A—1947

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 29th day of January A. D. 1947.

The said Division having under consideration its order of November 29, 1946, (11 F. R. 14113) which prescribed that certain Class I common carriers by motor vehicle should keep their accounts and compile statistics for the 12 months ending December 31, 1947, so as to permit them to report certain information as a supplement to Motor Carrier Annual Report Form A for 1947 in a manner similar to that prescribed in the order of March 1, 1946.

And it appearing, that this requirement should be modified by reason of a change in the Uniform System of Accounts as provided in the order of November 27, 1946, effective January 1, 1947: It is ordered, That:

Section 205.2 is amended by designating the text of the order of March 1, 1946 (11 F. R. 2451), as paragraph (a) (1), by designating the text of the order of January 6, 1947 (12 F. R. 194), as subparagraph (2) of paragraph (a), by designating the text of the order of November 29, 1946 (11 F. R. 14113), as paragraph (b) (1), and amending paragraph (b) (1) to read as follows:

§ 205.2 *Supplements to Motor Carrier Annual Report Form A—(a) 1946.*
(1) * * *

(2) * * *
(b) 1947. (1) Each Class I common carrier by motor vehicle engaged predominantly in intercity service as a carrier of general commodities which had gross operating revenue for the year 1945 of \$400,000 or more shall keep its accounts and compile statistics which will permit it to report to the Interstate Commerce Commission for the 12 months ending December 31, 1947, the information contained in the Supplement to Motor Carrier Annual Report Form A for 1947, which is attached hereto and made a part of this paragraph.

(49 Stat. 563, sec. 24, 54 Stat. 926; 49 U. S. C. 320)

A copy of this order shall be served upon every Class I common carrier by motor vehicle engaged predominantly in intercity service as a carrier of general commodities which had gross operating revenues for the year 1945 of \$400,000 or more, and every receiver, trustee, executor, administrator, or assignee of any such carrier; and notice of this order shall be given the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Division of the Federal Register.

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,
Secretary.

SUPPLEMENT TO ANNUAL REPORT FORM A FOR THE YEAR 1947—INCOME STATEMENT FOR THE TWELVE MONTHS ENDING DECEMBER 31, 1947, COMMON CARRIERS WITH GROSS REVENUES OF \$400,000 OR MORE PER ANNUM ENGAGED PREDOMINANTLY IN INTERCITY TRANSPORTATION OF GENERAL FREIGHT

SCHEDULE 3000-S—OPERATING REVENUES

	Detail	Total
3100—Freight revenue—intercity—common carrier
3110—Freight revenue—intercity—contract carrier
3120—Freight revenue—local service
3130—Revenue—transportation for other class I motor carriers
3900—Other operating revenue
Total operating revenues

SCHEDULE 4000-S—OPERATING AND MAINTENANCE EXPENSES

4100—Equipment maintenance and garage expenses:		
4110—Supervision of shop and garage	.....	.....
4121—Repairs to shop and garage equipment	.....	.....
4122—Operating and maintenance of service equipment	.....	.....
4128—Repairs to shop and garage buildings and grounds	.....	.....
4131—Light, heat, power and water for shops and garages	.....	.....
4132—Other shop and garage expenses	.....	.....
4140—Repairs to revenue equipment	.....	.....
4150—Servicing of revenue equipment	.....	.....
4160—Tires and tubes—revenue equipment	.....	.....
4191—Joint garage expense—debit	.....	.....
4196—Joint garage expense—credit	.....	.....
Total equipment maintenance and garage expenses	.....	.....
4200—Transportation expenses:		
4210—Supervision of transportation	.....	.....
4220—Drivers' and helpers' wages and bonuses	.....	.....
1. Drivers and helpers—carrier's employees	.....	.....
2. Drivers and helpers—other	.....	.....
4230—Fuel for revenue equipment	.....	.....
4240—Oil for revenue equipment	.....	.....
4250—Purchased transportation—intercity	.....	.....
1. Payments to class I motor carriers	.....	.....
2. Payments to railroads and water carriers	.....	.....
3. Payments to all others	.....	.....
4255—Purchased transportation—local	.....	.....
4261—Road expense	.....	.....
4262—Bridge, tunnel and ferry tolls	.....	.....
4264—Other transportation expenses	.....	.....
Total transportation expenses	.....	.....
4300—Terminal expense:		
4311—Terminal employees	.....	.....
1. Salaries—supervisory employees	.....	.....
2. Salaries—cashiers, rating, billing and manifesting	.....	.....
3. Salaries—other clerical employees	.....	.....
4. Salaries and wages—platform employees	.....	.....
5. Salaries and wages—other terminal employees	.....	.....
6. Expenses of terminal employees	.....	.....
4314—Supplies and expenses	.....	.....
4319—Repairs to terminals and equipment	.....	.....
4330—Commission agents and connecting lines	.....	.....
4360—Collection and delivery	.....	.....
1. Salaries—supervisory employees	.....	.....
2. General repairs	.....	.....
3. Repairs due to accident	.....	.....
4. Servicing of equipment	.....	.....
5. Tires and tubes	.....	.....
6. Drivers and helpers—wages bonuses	.....	.....
7. Fuel	.....	.....
8. Oil	.....	.....
9. Other expenses	.....	.....
4370—Purchased collection and delivery	.....	.....
Total terminal expense	.....	.....

SUPPLEMENT TO ANNUAL REPORT FORM A FOR THE YEAR 1947—INCOME STATEMENT FOR THE TWELVE MONTHS ENDING DECEMBER 31, 1947. COMMON CARRIERS WITH GROSS REVENUES OF \$400,000 OR MORE PER ANNUM ENGAGED PREDOMINANTLY IN INTERCITY TRANSPORTATION OF GENERAL FREIGHT—Continued

SCHEDULE 4000-S—OPERATING AND MAINTENANCE EXPENSES—continued

	Detail	Total
4400—Sales, tariff and advertising expense:		
4410—Salaries and expenses		
4430—Tariffs and schedules		
4450—Other sales expenses		
4470—Advertising		
Total Sales, tariff and advertising		
4500—Insurance and safety expenses:		
4510—Salaries and expenses—insurance and safety		
4580—Public liability and property damage insurance:		
1. Intercity service		
2. Collection and delivery service		
3. Operation of service cars		
4590—Injuries and damages		
1. Intercity service		
2. Collection and delivery service		
3. Operation of service cars		
4591—Workmen's compensation—insurance		
1. Shop and garage employees		
2. Drivers and helpers—intercity		
3. Terminal platform employees		
4. Drivers and helpers—collection and delivery		
5. All other employees		
4592—Workmen's compensation—self insurer		
1. Shop and garage employees		
2. Drivers and helpers—intercity		
3. Terminal platform employees		
4. Drivers and helpers—collection and delivery		
5. All other employees		
4593—Cargo insurance		
4594—Cargo loss and damage		
4595—Fire and theft insurance		
1. Intercity revenue equipment		
2. Collection and delivery equipment		
3. Service equipment		
4. All other		
4596—Other insurance		
Total Insurance and safety expense		
4600—Administrative and general Expenses:		
4611—Salaries of general officers		
4612—Expenses of general officers		
4613—Salaries of general office employees		
1. Revenue accounting		
2. Credits, collections and interline accounting		
3. All other employees		
4616—Expenses of general office employees		
4620—Law expenses		
4630—General office supplies and expenses		
1. Stationery and printing—general office		
2. Stationery and printing—terminal		
3. Stationery and printing—all other		
4. Rentals for office machines		
5. Other supplies and expenses		
4640—Communication service		
4651—Outside auditing expenses		
4652—Employees' welfare expenses		
4655—Purchasing and store expenses		
4656—Other general expenses		
4660—Management and supervision fees and expenses		
4671—Franchise requirements—debit		
4672—Franchise requirements—credit		
4673—Other regulatory commission expenses		
4680—Uncollectible revenues		
4691—Joint operating expense—debit		
4696—Joint operating expense—credit		
Total administrative and general expenses		
SCHEDULE 5000-S—DEPRECIATION EXPENSE		
5000—Depreciation expense:		
5011—Depreciation of structures		
1. Shop and garage		
2. Terminal		
3. General office and other		

SUPPLEMENT TO ANNUAL REPORT FORM A FOR THE YEAR 1947—INCOME STATEMENT FOR THE TWELVE MONTHS ENDING DECEMBER 31, 1947. COMMON CARRIERS WITH GROSS REVENUES OF \$400,000 OR MORE PER ANNUM ENGAGED PREDOMINANTLY IN INTERCITY TRANSPORTATION OF GENERAL FREIGHT—Continued

SCHEDULE 5000-S—DEPRECIATION EXPENSE

	Detail	Total
5000—Depreciation expense—con.		
5021—Depreciation of revenue equipment:		
1. Trucks and tractors—intercity		
2. Trailers—intercity		
3. Collection and delivery equipment		
5031—Depreciation of service cars and equipment		
5041—Depreciation of shop and garage equipment		
5051—Depreciation of furniture and office equipment		
5061—Depreciation of miscellaneous equipment		
5071—Depreciation of improvements to leasehold property:		
1. Shop and garage		
2. Terminal property		
3. General office and other		
5081—Depreciation of undistributed property		
5091—Depreciation adjustment		
Total depreciation expense		

SCHEDULE 5100-S—AMORTIZATION CHARGEABLE TO OPERATIONS

5100—Amortization chargeable to operations:		
5110—Amortization of carrier operating property		
5120—Property loss chargeable to operations		
Total amortization expense		

SCHEDULE 5200-S—OPERATING TAXES AND LICENSES

5200—Operating taxes and licenses:		
5210—Gasoline, other fuel and oil taxes:		
1. Intercity service		
2. Collection and delivery service		
3. Service cars		
5220—Vehicle license and registration fees:		
1. Intercity service		
2. Collection and delivery service		
3. Service cars		
5230—Real estate and personal property taxes:		
1. Shop and garage property		
2. Intercity vehicles		
3. Collection and delivery vehicles		
4. Service cars		
5. Terminal property		
6. General office and other property		
5240—Social security taxes		
5250—Other taxes		
Total operating taxes and licenses		

SCHEDULE 5300-S—OPERATING RENTS

5300—Operating Rents—Net:		
5310—Equipment rents—debit:		
1. Intercity vehicles		
2. Collection and delivery vehicles		
5320—Other operating rents—debit:		
1. Rent for shop and garage		
2. Rent for terminal property		
3. Rent for property—general office and other		
5340—Joint facility rents—debit:		
1. Shop and garage		
2. Terminals		
3. General office and other		
5350—Equipment rents—credit:		
1. Intercity vehicles		
2. Collection and delivery vehicles		
5360—Rent from owned land and structures:		
1. Rent from owned shop and garage		
2. Rent from terminal property		
3. Rent from other property		
5370—Sublease rental income		
5390—Joint facility rents—credit:		
1. Shop and garage		
2. Terminals		
3. General office and other		
Total operating rents		

SUPPLEMENT TO ANNUAL REPORT FORM A FOR THE YEAR 1947—INCOME STATEMENT FOR THE TWELVE MONTHS ENDING DECEMBER 31, 1947. COMMON CARRIERS WITH GROSS REVENUES OF \$400,000 OR MORE PER ANNUM ENGAGED PREDOMINANTLY IN INTERCITY TRANSPORTATION OF GENERAL FREIGHT—Continued

SCHEDULE 9003-S—OPERATING STATISTICS—PROPERTY CARRIERS

Vehicles-Miles Operated in Intercity Revenue Service (Including Loaded and Empty)		
	Common	Contract
1. Intercity:		
2. Owned truck miles		
3. Owned tractor miles		
4. Owned combination bus-truck miles		
5. Total intercity-owned vehicles		
6. Leased truck miles		
7. Leased tractor miles		
8. Leased combination bus-truck miles		
9. Total intercity-leased vehicles		
10. Grand total intercity vehicle-miles		
11. Driveway miles operated		
12. Collection and delivery:		
13. Truck miles		
14. Tractor miles		
15. Total collection and delivery		

Vehicle-Hours Operated in Intercity Revenue Service (Including Loaded and Empty)

16. Intercity:		
17. Owned truck hours		
18. Owned tractor hours		
19. Owned combination bus-truck hours		
20. Total intercity-owned vehicles		
21. Leased truck hours		
22. Leased tractor hours		
23. Leased combination bus-truck hours		
24. Total intercity-leased vehicles		
25. Grand total intercity vehicle-hours		
26. Driveway hours operated		
27. Collection and delivery:		
28. Truck-hours		
29. Tractor-hours		
30. Total collection and delivery		

OTHER STATISTICS

1. Freight revenue from intercity service—Truck load		
2. Freight revenue from intercity service—Less truck load		
3. Tons of intercity revenue freight billed—Truck load		
4. Tons of intercity revenue freight billed—Less truck load		
5. Number of shipments billed—truck load		
6. Number of shipments billed—less truck load		
7. Tons platform handled		
8. Ton-miles intercity revenue freight (actual basis)		

SCHEDULE 9006-S—DISTRIBUTION OF INTERCITY TRAFFIC
Common Carriers of Property

	Freight revenues	Tons	Number of shipments
1. Originated and terminated by reporting carriers			
2. Originated by reporting carrier and delivered to connecting carrier			
3. Received from connecting carrier and terminated by reporting carrier			
4. Received from connecting carrier and delivered to connecting carrier			

[F. R. Doc. 47-1098; Filed, Feb. 5, 1947; 8:54 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

BUREAU OF ORDNANCE

Amend §§ 26.8 (b) (2) and 26.8 (c), relating to the organization and functions of the naval establishment (11 F. R. 177A-168) to read as follows:

§ 26.8 *Bureau of Ordnance.* * * *

(b) It is charged with the upkeep and operation of the following naval ordnance establishments and with their repairs within the capacity of the force employed:

Naval Gun Factories, Naval Ordnance Plants, Naval Torpedo Stations, Naval Proving Grounds, Naval Powder Factories, Naval Ammunition Depots, Naval Magazines On Shore, Naval Mine Depots, Naval Net Depots, Naval Ordnance Test Stations, Naval Mine Warfare Test Stations, Naval Ordnance Laboratories, Naval Degaussing and Naval Deperming Stations.

(c) To perform the functions for which the Chief of the Bureau is responsible the Bureau is organized as follows:

Chief of the Bureau of Ordnance.
Deputy and Assistant Chief of the Bureau of Ordnance.
Assistant Chief for Naval Ordnance Establishments.
Naval Ordnance Establishments Division.
Assistant Chief for Planning and Progress.
Planning and Progress Division.
Assistant Chief for Research.
Research and Development Division.
Administrative Division.
Financial Division.
Fleet Maintenance Division.
Production Division.
Quality Control Division.
Inspector of Naval Ordnance Establishments.
Special Board on Naval Ordnance.
Counsel for the Bureau.

(Sec. 12, Pub. Law 404, 79th Cong., 60 Stat. 244)

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-1109; Filed, Feb. 5, 1947;
8:54 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

[Gen. Order 2, Supp. 13, Amdt. 1, WSA Function Series]

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE UNITED STATES MARITIME COMMISSION

UNIFORM SUGAR CHARTER

Section 303.1 *Uniform sugar charter* is amended by striking out the last sen-

tence in the first paragraph of article 6 in the charter form prescribed by paragraph (e), and inserting in lieu thereof the following:

Stevedore for discharging shall be appointed by the charterer and vessel will allow to the charterer, for discharging, no more than the following rates per ton of 2240 pounds, gross landed weight:

At Boston, New York, Philadelphia, and Baltimore.....	\$1.28
Savannah.....	1.18
New Orleans, Galveston, Texas City....	1.28

This amendment shall be effective with respect to all contracts entered into on and after February 1, 1947.

(Sec. 202 of Pub. Law 492, 79th Cong., 60 Stat. 501)

By order of the United States Maritime Commission.

[SEAL]

A. J. WILLIAMS,
Secretary.

JANUARY 31, 1947.

[F. R. Doc. 47-1096; Filed, Feb. 5, 1947;
8:54 a. m.]

Subchapter C—Subsidized Vessels and Operators and Other Vessels in Which the Commission Has an Interest

[Gen. Order 67]

PART 289—INSURANCE OF CONSTRUCTION-DIFFERENTIAL SUBSIDY VESSELS AND OF VESSELS SOLD OR ADJUSTED UNDER THE MERCHANT SHIP SALES ACT OF 1946

Sec.

- 289.1 Vessels included.
- 289.2 Provision in subsidy agreements and mortgages.
- 289.3 Insurance by owners.
- 289.4 Insurance by Commission.
- 289.5 Application of excess insurance collected to construction-differential subsidy.

AUTHORITY: §§ 289.1 to 289.5, inclusive, issued under 49 Stat. 1987, as amended by 52 Stat. 964, 60 Stat. 41; U. S. C. 1114.

§ 289.1 *Vessels included.* Vessels subject to the provisions of this part are:

(a) All vessels which may in the future be constructed with construction-differential subsidy allowances under section 502 or section 504 of the Merchant Marine Act, 1936, as amended;

(b) All vessels which have previously been constructed with construction-differential subsidy allowances under section 502 or section 504 of the Merchant Marine Act, 1936, as amended;

(c) All vessels sold under the Merchant Ship Sales Act of 1946; and

(d) All vessels, the purchase prices of which are adjusted or are eligible for adjustment under section 9 of the Merchant Ship Sales Act of 1946.

§ 289.2 *Provision in subsidy agreements and mortgages.* All construction-

differential subsidy agreements and mortgages relative to vessels covered in § 289.1 (a) shall provide, wherever possible, that the Commission may, in its discretion require the owner to insure, with commercial underwriters, the amount of the Commission's construction-subsidy interest.

§ 289.3 *Insurance by owners.* Owners of vessels covered in § 289.1 will not be required to arrange commercial insurance to cover the Government's interest, exclusive of its mortgage interest, but the Commission reserves the right to require, whenever the contracts so provide, that this be done at some future date, should it deem it necessary.

§ 289.4 *Insurance by Commission.* The Commission will self-insure its interest, exclusive of mortgage interest, depreciated over a 20-year economic life of the vessel. As to any vessel covered in § 289.1 (a) and (b), the Commission's self-insured interest shall be the amount of the construction-differential subsidy, less depreciation, if any, plus the cost of national defense features. As to any vessel covered in § 289.1 (c) and (d), the Commission's self-insured interest shall be the difference between the pre-war domestic cost and the statutory sales price as defined in the Merchant Ship Sales Act of 1946.

§ 289.5 *Application of excess insurance collected to construction-differential subsidy.* In the event an application is approved for a construction-differential subsidy for aid in the construction of a new vessel under Title V of the Merchant Marine Act, 1936, as amended, and the applicant has previously collected as insurance for the total loss of a vessel covered in § 289.1 an amount in excess of the owner's purchase price of the lost vessel, plus 20% of such price (considered to represent stores, equipment, etc.), plus the cost of betterments placed on said vessel after purchase from the Commission, the applicant shall be required to apply such excess, to an extent not in excess of the depreciated Commission interest in the lost vessel as defined in § 289.4 (less total loss premiums on such amount for periods carried from the date of the delivery at rates fixed by the Commission) to the amount of the construction-differential subsidy determined to be allowable in connection with the purchase of the new vessel.

By order of the United States Maritime Commission.

[SEAL]

A. J. WILLIAMS,
Secretary.

JANUARY 31, 1947.

[F. R. Doc. 47-1095; Filed, Feb. 5, 1947;
8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs

[25 CFR, Part 130]

CROW INDIAN IRRIGATION PROJECT,
MONTANA

OPERATION AND MAINTENANCE CHARGES

JANUARY 31, 1947.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Pub. Law 404, 79th Cong.); the acts of Congress approved August 1, 1914 (38 Stat. 583, 25 U. S. C. 385); March 7, 1928 (45 Stat. 210, 25 U. S. C. 387); and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs September 14, 1946 (11 F. R. 10297), notice is hereby given of intention to amend that part of § 130.12 of Title 25, Code of Federal Regulations, dealing with operation and maintenance charge for Government operated units of the Crow Indian irrigation project, Montana, except Coburn Ditch, by increasing the annual operation and maintenance charge from \$1.25 per acre per annum to \$1.60 per acre per annum, effective beginning with the irrigation season of 1947 and thereafter until further order.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Paul L. Fickinger, Director, U. S. Indian Service, Billings, Montana, within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

WILLIAM ZIMMERMAN, Jr.,
Assistant Commissioner.

[F. R. Doc. 47-1108; Filed, Feb. 5, 1947;
8:55 a. m.]

[25 CFR, Part 130]

SALT RIVER INDIAN IRRIGATION PROJECT,
ARIZONA

OPERATION AND MAINTENANCE CHARGES

JANUARY 30, 1947.

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946 (Pub. Law 404, 79th Cong.); and authority contained in the Acts of Congress approved August 1, 1914 (38 Stat. 583, 25 U. S. C. 385) and March 7, 1928 (45 Stat. 210, 25 U. S. C. 387); and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs September 14, 1946 (11 F. R. 10297); notice is hereby given of intention to modify § 130.105 of Title 25, Code of Federal Regulations, by eliminating therefrom the annual rate of assessment prescribed for operation and maintenance of the Salt River Indian irrigation project, Pima Indian Agency, Arizona, and to promulgate a separate order for the Salt River Indian irrigation project, reading as follows:

SALT RIVER INDIAN IRRIGATION PROJECT,
ARIZONA

§ 130.120 *Basic charge.* Pursuant to provisions of the acts of Congress approved August 1, 1914 and March 7, 1928 (38 Stat. 583; 45 Stat. 210, 25 U. S. C. 385, 387), the basic operation and maintenance charge against the lands under the Salt River Indian irrigation project in Arizona to which water can be delivered through the irrigation project works is hereby fixed at \$3.50 per acre per annum until further notice.

§ 130.121 *Payment.* The annual basic charge fixed in § 130.120 shall be due and payable on or before April 1, 1947, and on April 1 of each year thereafter until further notice. Charges not paid on the due date shall stand as a first lien against the lands until paid.

§ 130.122 *Delivery of water.* Delivery of water shall be refused to all tracts of land for which the basic charge remains

unpaid on the due date except that water may be delivered (a) to irrigate Indian owned lands that are not under lease, permit, or other form of use by someone other than the Indian owner, upon the partial payment on or before the due date of not less than \$1.00 per acre per annum of the basic charge; (b) to irrigate Indian owned lands not under lease, permit, or other form of use by someone other than the Indian owner when said owner is unable to pay any part of the basic charge, upon the performance of labor on project works and the prior agreement that he will pay from the proceeds received for such work at least an amount equal to \$1.00 per acre per annum; and (c) to irrigate not to exceed 10 acres of Indian owned land when the Superintendent is of the opinion that an Indian landowner is unable to meet the requirements of paragraphs (a) or (b) of this section, when the Superintendent certifies to that fact. The Superintendent shall promptly furnish the Director of the District, for approval or rejection, all such certifications. In such cases, covered by paragraphs (a), (b) and (c), the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid, without penalty.

The foregoing order shall become effective for the calendar year of 1947, and continue in effect thereafter until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to William Zeh, District Director, U. S. Indian Service, 4100 Rhoads Circle, Phoenix, Arizona, within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

WALTER V. WOHLKE,
For the Commissioner.

[F. R. Doc. 47-1099; Filed, Feb. 5, 1947;
8:53 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 2777]

BRITISH COMMONWEALTH PACIFIC AIRLINES
LTD.

NOTICE OF HEARING

In the matter of the application of British Commonwealth Pacific Airlines Limited for a foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended, authorizing it to engage in foreign air transportation

between New Zealand and San Francisco, Calif., via the Fiji Islands, Canton Island, and Honolulu, T. H., and beyond San Francisco to Vancouver, B. C.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 402 (e) of said act, that hearing in the above-entitled proceeding is assigned to be held on February 12, 1947, at 10:00 a. m. (eastern standard time) in Room 1302, Temporary Building T, Constitution Avenue between Twelfth

and Fourteenth Streets NW., before Examiner Herbert K. Bryan.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the applicant is fit, willing, and able properly to perform the proposed air transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder;

2. Whether the proposed air transportation will be in the public interest; and,

3. Whether approval of the proposed air transportation is consistent with any obligation assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and New Zealand.

Notice is also given that any person desiring to be heard shall file with the Board on or before February 12, 1947, a statement setting forth issues of fact or law raised by said application which he desires to controvert.

Dated Washington, D. C., January 31, 1947.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-1110; Filed, Feb. 5, 1947;
8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-811, G-821, G-829]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARINGS

JANUARY 31, 1947.

Upon consideration of the following applications filed by Cities Service Gas Company (Applicant), a Delaware corporation, with its principal place of business at Oklahoma City, Oklahoma, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to construct and operate the following described natural-gas pipeline facilities, subject to the jurisdiction of the Federal Power Commission:

(a) Application filed December 5, 1946, in Docket No. G-811, to authorize Applicant to construct and operate a meter setting at a mutually convenient point to Applicant and Suburban Gas, Inc. on Applicant's main 8-inch pipeline in the Southwest Quarter (SW $\frac{1}{4}$) of Section 28, Township 11 South, Range 23 East, Wyandotte County, Kansas.

(b) Application filed December 9, 1946, in Docket No. G-821, to authorize Applicant to construct and operate a positive meter setting at a mutually convenient point to Applicant and Billings Gas Company on Applicant's 20-inch pipeline in the Southeast corner of Section 22, Township 24 North, Range 2 West, Noble County, Oklahoma.

(c) Application filed December 16, 1946, in Docket No. G-829, to authorize Applicant to construct and operate a positive meter setting at a point mutually convenient to Applicant and Nowata County Gas Company on Applicant's 16-inch pipeline in the Northwest Quarter (NW $\frac{1}{4}$) of Section 20, Township 28 North, Range 16 East, Nowata County, Oklahoma.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the aforesaid described facilities for the purpose of delivering and selling emergency gas to the above-mentioned distribution companies for resale to the latter's customers; and

(b) These proceedings are proper for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that the aforesaid applications be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the applications, including publication in the FEDERAL REGISTER.

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), hearings be held on the 19th day of February, 1947, at 9:30 a. m. (est) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the applications filed in the above-entitled proceedings; *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a non-contested hearing forthwith dispose of the proceedings by orders upon consideration of the applications and the evidence filed therewith and incorporated in the record of the proceedings, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: February 3, 1947.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1101; Filed, Feb. 5, 1947;
8:53 a. m.]

[Docket No. G-847]

TENNESSEE NATURAL GAS LINES, INC.

NOTICE OF APPLICATION

JANUARY 31, 1947.

Notice is hereby given that on January 9, 1947, an application was filed with the Federal Power Commission by Tennessee Natural Gas Lines, Inc. (Applicant), a Tennessee corporation with its principal office in Chattanooga, Tennessee, and authorized to do business in the State of Tennessee, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the Applicant to construct and operate natural-gas pipeline facilities, as hereinafter more particularly described.

Applicant seeks authorization to construct and operate the following facilities, all of which are to be located in the State of Tennessee:

(a) A natural gas transmission pipeline consisting of 16-inch and 12 $\frac{3}{4}$ -inch diameter pipe, the 16-inch diameter portion commencing at a proposed point of interconnection with the pipeline of Tennessee Gas and Transmission Company about 16 miles northeast of that Company's compressor station No. 10 and extending 181 miles in a southeasterly direction to Chattanooga, and the 12 $\frac{3}{4}$ -inch diameter portion commencing at Chattanooga and extending 106 miles in a northeasterly direction, to Knoxville.

(b) Lateral lines consisting of approximately 65 miles of 4 $\frac{1}{2}$ -inch O. D. pipe and approximately 76 miles of 3 $\frac{1}{2}$ -inch O. D. pipe, extending from the pipeline described in paragraph (a) above.

Applicant proposes to supply natural gas from the above-described facilities to the following cities and towns in the State of Tennessee, which do not now have natural gas service: Centerville, Mt. Pleasant, Columbia, Lewisburg, Shelbyville, Murfreesboro, Fayetteville, Tullahoma, Manchester, Winchester, Decherd, Cowan, Sewanee, Monteagle, Tracy City, South Pittsburg, Richard City, Jasper, Chattanooga, Ooltewah, Cleveland, Charleston, Calhoun, Riceville, Etowah, Englewood, Athens, Madisonville, Sweetwater, Loudon, Alcoa, Maryville, Lenoir City and Knoxville.

Applicant states that under its present plans it will sell natural gas for the above-mentioned cities and towns at wholesale city gate rates, and will make direct pipeline sales for industrial use to a limited number of large industrial users, and that no construction or acquisition of resale distribution systems by Applicant is presently contemplated. Applicant recites that the proposed rates for the gas service will be supplied when it completes its market studies and surveys. Applicant states it has a contract with Tennessee Gas & Transmission Company for the supply of Applicant's entire natural gas requirements in the markets and areas proposed to be served. Applicant states that it is filing this application on the assumption that Chattanooga Gas Company will become a city gate customer of Applicant, notwithstanding the fact that Chattanooga Gas Company is a wholly owned subsidiary of Southern Natural Gas Company, which last mentioned company now has on file with the Federal Power Commission an Application for the construction and operation of facilities to serve the Chattanooga market and area.

Applicant further states that the Knoxville market and area is now inadequately served with manufactured or artificial gas, and that the Knoxville Utilities Board is anxious that natural gas service be made available in the Knoxville area.

Applicant states that natural gas will enter the proposed pipeline at a pressure of approximately 650 lbs. psig which will provide a delivery pressure of approximately 387 lbs. psig at Chattanooga and approximately 201 lbs. psig at Knoxville; that the proposed facilities will have a capacity of approximately 62,325,000

cubic feet per day at the point of interconnection with Tennessee Gas & Transmission Company, and that this capacity will be sufficient to serve the aforesaid markets and areas for approximately five years without compression.

Applicant makes no statement as to the cost of the proposed facilities or the method of financing the cost of construction.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Tennessee Natural Gas Lines, Inc. should file with the Federal Power Commission, Washington 25, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1107; Filed, Feb. 5, 1947;
8:50 a. m.]

[Docket No. G-462]

MISSISSIPPI RIVER FUEL CORP.
ORDER FIXING DATE OF REHEARING

JANUARY 31, 1947.

It appearing to the Commission that:

By order of November 27, 1946, the Commission granted rehearing upon the issues raised by Mississippi River Fuel Corporation's petition for rehearing respecting the Commission's order of September 27, 1946, such rehearing to be held at a time and place to be fixed by the Commission;

The Commission orders that:

(A) The rehearing provided by the Commission's order of November 27, 1946, be held commencing at 10:00 a. m. (e. s. t.) on February 12, 1947, in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., respecting the issues raised by the petition for rehearing filed by Mississippi River Fuel Corporation.

(B) Interested State commissions may participate as provided in Rule 8 (18 CFR 1.8) and Rule 37 (18 CFR 1.37) of the Commission's rules of practice and procedure.

Date of issuance: February 3, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1117; Filed, Feb. 5, 1947;
8:52 a. m.]

[Docket No. G-785]

PANHANDLE EASTERN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

JANUARY 31, 1947.

Upon consideration of the application filed September 19, 1946, Docket No. G-785, by Panhandle Eastern Pipe Line Company ("Applicant"), a Delaware corporation with its principal offices in Kansas City, Missouri, and in Chicago, Illinois, and authorized to do business in the States of Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Ohio, and Michigan, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural gas pipeline facilities subject to the jurisdiction of the Federal Power Commission:

A gas metering and regulating station and connection at a point in Miami County, Kansas, where a 24-inch and 26-inch parallel pipe line of the Applicant crosses a 4-inch transmission line of the Miami Pipe Line Company, which point is approximately one mile north of the Osawatomie State Hospital in Miami County, Kansas.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the aforescribed facilities for the purpose of supplementing the supply of natural gas needed by the Osawatomie State Hospital located in Miami County, Kansas, by a sale of natural gas to The Miami Pipe Line Company which has a contract to supply the requirements of the hospital. The local supply of natural gas available to the Miami Pipe Line Company for said hospital is inadequate to meet the requirements of the hospital, and the deliveries by the Applicant will not exceed 350 Mcf in any one day of twenty-four (24) hours or a total of 10,000 Mcf in any one month. No part of the gas sold to The Miami Pipe Line Company for resale to the Osawatomie State Hospital is to be delivered to any other purpose or use. Temporary authorization has been granted for the construction and operation of these facilities.

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 8, 1946 (11 F. R. 11614).

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 27th day of February 1947

at 9:45 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C. concerning the matters of fact and law asserted in the application filed in the above-entitled proceeding: *Provided, however*, That if no request to be heard, or protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may, after a non-contested hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: February 3, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1118; Filed, Feb. 5, 1947;
8:52 a. m.]

[Docket No. G-825]

GAS TRANSPORT, INC.

ORDER FIXING DATE OF HEARING

JANUARY 31, 1947.

Upon consideration of the application filed on December 16, 1946, by Gas Transport, Inc. (Applicant), a Delaware corporation, having its principal place of business in Lancaster, Ohio, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following described natural-gas pipeline facilities subject to the jurisdiction of the Federal Power Commission:

Approximately 5.6 miles of 6-inch natural-gas pipeline, together with meters, regulators, and appurtenances, extending from a point near Falls Run of Reedy Creek in Wirt County, West Virginia, to a point on the present line of Gas Transport, Inc., near the mouth of Lockhart Fork in Jackson County, West Virginia.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the above-described facilities for the purpose of connecting Applicant's line with natural gas wells owned by or under contract to United Carbon Company for purpose of augmenting natural gas deliveries to the Anchor Hocking Glass Corporation which is now facing a deficiency as a result of inadequate available natural-gas supply from sources heretofore utilized; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946),

Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 7, 1947 (12 F. R. 108-109).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on the 26th day of February 1947, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceedings: *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a non-contested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (b) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: February 3, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1119; Filed, Feb. 5, 1947;
8:52 a. m.]

[Docket No. G-830]

CONSOLIDATED GAS UTILITIES CORP.

ORDER FIXING DATE OF HEARING

JANUARY 31, 1947.

Upon consideration of the application filed on December 9, 1946, in Docket No. G-830 by Consolidated Gas Utilities Corporation, a Delaware corporation, having its principal place of business in Oklahoma City, Oklahoma, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described natural-gas pipeline facilities, subject to the jurisdiction of the Federal Power Commission:

Approximately $\frac{1}{2}$ mile of 2 $\frac{1}{2}$ -inch gas pipe line together with the necessary appurtenances and equipment used in connection

therewith, beginning at Applicant's existing 14-inch main gas transmission pipeline in the Southeast corner of the Southeast Quarter of Section 36, Township 29 South, Range 1 West, and extending in a westerly direction approximately $\frac{1}{4}$ mile, thence in a northerly direction approximately $\frac{1}{4}$ mile to the site of a dehydrating mill being constructed by the M. W. Dehydrating and Milling Company near Peck, Sedgwick County, Kansas.

It appearing to the Commission that:

(a) Applicant proposes the construction and operation of the above-described facilities for the purpose of rendering natural-gas service to a dehydrating mill being constructed by the M. W. Dehydrating and Milling Company near Peck, Sedgwick County, Kansas; and

(b) This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested hearings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 25, 1946 (11 F. R. 14657).

The Commission, therefore, orders that:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on February 24, 1947, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceeding: *Provided, however,* That if no request to be heard, or protest or petition to intervene raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may after a non-contested hearing forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: February 3, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-1120; Filed, Feb. 5, 1947;
8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 93]

RECONSIGNMENT OF APPLES AT SEATTLE, WASH.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Seattle, Wash., Jan. 29, 1947, by Fruit Growers Service Co., of following cars apples, now on the G. N. RR to San Francisco, Cal. for export:

WFE 65813	FGE 19465
WFE 67335	FGE 51014
FGE 16189	FGE 51192
BRE 75648	FGE 19128
WFE 67201	

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of January 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-1097; Filed, Feb. 5, 1947;
8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1496]

GOLD ORE MINING CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of January A. D. 1947.

The Gold Ore Mining Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its capital stock, \$1.00 Par Value, from listing and registration on the Los Angeles Stock Exchange. The application alleges that (1) the last reported transaction in the applicant's stock on the Los Angeles Stock Exchange was on December 28, 1942, when 2,000 shares were sold at 1¢ per share; (2) no transactions in this security on the Los Angeles Stock Exchange had occurred prior to December 28, 1942, since 1937; (3) of the 1,975,100

shares of applicant's \$1.00 Par Value Capital Stock outstanding, all except 10% is owned by O. R. Howard, president of applicant; (4) applicant has approximately 200 stockholders of record; (5) applicant was inactive on May 24, 1935, when its application with this Commission on Form 10 for registration of its 1,975,100 issued and outstanding common shares on the Los Angeles Stock Exchange was filed, that application for registration having stated: "At present no work is being undertaken or contemplated"; (6) with the exception of a small amount of prospecting work applicant had been inactive for at least 10 or 15 years prior to May 1935; (7) as of December 4, 1946, the date of execution of the instant application, the prospects for reopening applicant's mines for several years seem remote; (8) applicant has filed the required reports to keep current the information in the original application for registration; (9) applicant has but limited funds with which to pay property taxes, registrar's charges, stock exchange calling fee, and the expense of preparing and filing an annual report with the Securities and Exchange Commission; and (10) the Los Angeles Stock Exchange has not adopted any provision of its constitution, by-laws or rules which relates to withdrawal of securities from listing and registration.

Upon receipt of a request, prior to March 1, 1947, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to Louis Loss, Chief Counsel, Trading and Exchange Division, Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 47-1103; Filed, Feb. 5, 1947;
8:52 a. m.]

[File No. 54-51]

NATIONAL POWER & LIGHT CO., ET AL.
ORDER GRANTING APPLICATION AND PERMIT-
TING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of January A. D. 1947.

In the matter of National Power & Light Co., Lehigh Valley Transit Co.,

and Pennsylvania Power & Light Co. File No. 54-51. (Application No. 9.)

National Power & Light Company (National), a registered holding company subsidiary of Electric Bond and Share Company (Bond and Share), also a registered holding company, Lehigh Valley Transit Company (Lehigh), a subsidiary of National, and Pennsylvania Power & Light Company (Penn), an electric utility subsidiary of Bond and Share, having filed a joint application-declaration and amendments thereto, designated as "Application No. 9," as amended, pursuant to sections 11 (e), 12 (d), and 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-43 thereunder regarding: (a) the sale by Lehigh and acquisition by Penn of the steam electric generating station and substation at Allentown, Pennsylvania, certain properties related thereto, and the electric substations at Catasauqua, Sellersville, and Bethlehem, Pennsylvania, for a cash consideration of \$1,500,000, and (b) the deposit of the proceeds from the sale with the Trustee under the mortgage securing Lehigh's outstanding bonds, such proceeds to be used in connection with the retirement of said bonds in accordance with a plan for the rearrangement of the capital structure of Lehigh which will be filed with this Commission upon the approval of the transactions herein proposed; and

Applicants-declarants having requested that the Commission enter an order finding that the proposed transactions are necessary or appropriate to effectuate the provisions of section 11 (b) of the act and that such order conform to the pertinent requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R, thereof; and

Public hearings with respect to said joint application-declaration, as amended, having been held after appropriate notice, and the Commission having considered the record of the proceedings and having entered its findings and opinion herein:

It is hereby ordered, That the joint application-declaration, as amended, be, and the same hereby is granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed by Rule U-24; and

It is further ordered, That the transactions consisting of (a) the sale by Lehigh and acquisition by Penn for a cash consideration of \$1,500,000 of the Allentown generating station, and substation, certain properties related thereto, and the substations at Catasauqua, Sellersville, and Bethlehem, Pennsylvania, and (b) the deposit of the proceeds of such sale with the Trustee under the mortgage securing Lehigh's bonds, and the use of such proceeds to retire said bonds in accordance with such plan for the rearrangement of the capital structure of Lehigh as shall be approved by this Commission, are authorized as necessary or appropriate steps in accordance with our order of August 23, 1941, issued pursuant to section 11 (b) (2) of the act directing the dissolution of National and are necessary or appropriate for the integration or simplification of the holding company

system of which National, Penn, and Lehigh are members and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 47-1104; Filed, Feb. 5, 1947;
8:53 a. m.]

[File Nos. 54-142, 59-84]

AMERICAN WATER WORKS AND ELECTRIC
CO., INC., ET AL.

NOTICE OF FILING OF AMENDMENT EMBODYING
MODIFICATION OF PLANS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of January A. D. 1947.

In the matters of American Water Works and Electric Company, Incorporated, American Water Works Company, Inc. (formerly American Communities Company), Community Water Service Company, Ohio Cities Water Corporation, West Penn Railways Company, The West Penn Electric Company, (applicants), File No. 54-142; American Water Works and Electric Company, Incorporated and subsidiary companies, (respondents), File No. 59-84.

Notice is hereby given that an amendment has been filed in the above captioned proceedings which is concerned with modifications of Plans (designated in the original filing as Plan I and Plan II) filed by American Water Works and Electric Company, Incorporated ("American"), a registered holding company, and joined in by certain of its subsidiaries, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935. The subsidiaries of American primarily affected by the amended Plans are American Water Works Company, Inc. ("Waterworks Holding Company", formerly American Communities Company), a water works holding company and a direct subsidiary of American; Community Water Service Company ("Community"), a water works holding company and a direct subsidiary of Waterworks Holding Company; Ohio Cities Water Corporation ("Ohio Cities"), a water works holding company and a direct subsidiary of Community; and The West Penn Electric Company ("West Penn Electric"), a registered holding company and a direct subsidiary of American.

The original plans in this matter were filed on February 21, 1946. On December 23, 1946, the Commission issued findings and opinion with respect to the plans as filed. In the findings and opinion it was concluded that the treatment proposed in Plan I for the public security holders of the capital stocks of Community and the preferred stock of Ohio Cities was inadequate. It was further concluded that, under the circumstances of this case, it would be appropriate to grant the request of American and take action at this time with respect to Plan I, prior to resolution of the ultimate treatment to be accorded the preferred

stock of American in connection with its liquidation, as proposed in Plan II, provided that Plan II were modified to establish an adequate escrow fund from which fund any additional payments, above the liquidation price applicable to said preferred stock would be made, if necessary.

American has filed an amendment, joined in by certain of its subsidiaries, which amendment purports to satisfy the conclusions contained in the Commission's findings and opinion by increasing the participation for the preferred stock of Community to \$180 per share plus accrued dividends from October 31, 1945 to the effective date of the plan, by providing participation for the publicly held common stock of Community to the extent of one-twentieth of a share of new common stock of Waterworks Holding Company for each share of common stock of Community now held, and by increasing the participation for the preferred stock of Ohio Cities to \$159 per share plus accrued dividends from October 31, 1945 to the effective date of the plan.

Additionally, Plan I, as considered by the Commission provided for the issuance by Waterworks Holding Company of warrants, to be distributed to the common stockholders of American at no cost for such warrants, the holders thereof to be permitted to acquire shares of new common stock of Waterworks Holding Company at the initial public offering price, to be determined at competitive bidding. The shares of said new common stock not taken by warrants are to be sold to the public at the initial public offering price. Plan I as modified will permit the elimination of the issuance of these warrants under certain circumstances, and if permitted by further order of this Commission.

Plan II has been modified to provide an escrow agreement to be secured by a note of West Penn Electric in the face amount of \$2,200,000 with which to make any additional distribution to the preferred stockholders of American that may be required by this Commission and any court of competent jurisdiction.

For a full statement of the plans as modified all interested persons are referred to the files of the Commission in our Philadelphia offices. In substance the plans as modified may be summarized as follows:

Plan I has been divided into two parts, Part 1 being entitled "Segregation of Waterworks Business," and Part 2 being entitled "Liquidation of Community and Ohio Cities." Plan II remains in one part.

In partial consideration for the securities to be acquired by American Water Works Company, Inc. ("Waterworks Holding Company"), American is to receive transferable subscription warrants entitling the holders to purchase from Waterworks Holding Company a total of 2,343,105 shares of common stock of Waterworks Holding Company (the total number of shares of common stock of American publicly held is 2,343,105). The price at which such shares of common stock may be purchased upon exercise of the warrants will be the initial public offering price of such shares of such stock issued to underwriters, as herein-

after described. In the event that in the opinion of the Board of Directors of American market conditions then prevailing make it impracticable or inadvisable, from the standpoint of the successful consummation of Part 1 of Plan I, to issue such transferable subscription warrants, then, upon the adoption of a resolution to that effect by the Board of Directors of American and the filing with the Commission of an appropriate application which shall have been approved by the Commission or permitted to become effective, the issuance of such warrants will not be made. In the event the subscription warrants are issued American will distribute to its common stockholders (without surrender of their shares and without charge) one warrant for each share of common stock held.

Waterworks Holding Company will offer to the public preferred stockholders of Community Water Service Company ("Community"), a holding company and a direct subsidiary of Waterworks Holding Company, the privilege of exchanging their shares for shares of common stock of Waterworks Holding Company having a value (based on the initial public offering price of such shares of common stock) at the time of exchange equal to the sum of \$180 per share of Community preferred stock, plus \$7 per share per annum from October 31, 1945 to the final date for making such exchanges and minus the amount per share of any dividends paid on such preferred stock during such period.

Waterworks Holding Company will offer to the public preferred stockholders of Ohio Cities Water Corporation ("Ohio Cities"), a holding company and a direct subsidiary of Community, the privilege of exchanging their shares for shares of common stock of Waterworks Holding Company having a value (based on the initial offering price of such shares of common stock) at the time of exchange equal to the sum of \$159 per share of Ohio Cities preferred stock, plus \$6 per share per annum from October 31, 1945 to the final date for making such exchanges and minus the amount per share of any dividends paid on such preferred stock during such period.

Waterworks Holding Company will offer to the public common stockholders of Community the privilege of exchanging their shares for shares of common stock of Waterworks Holding Company at the rate of one twentieth of a share of Waterworks Holding Company for each share of common stock of Community now held.

The total number of shares to be issued by Waterworks Holding Company will be the aggregate of: (a) 2,343,105 shares, (b) the total number of shares required, based on the initial public offering price, to effect the exchanges with the publicly held preferred stock of Community, assuming all holders of said stock elect to make the exchanges, (c) the total number of shares required, based on the initial public offering price, to effect the exchanges with the publicly held preferred stock of Ohio Cities, assuming that all holders of such stock elect to exchange, and (d) the number of shares necessary to satisfy the public holders of the common stock of Community.

Any shares not exchanged or subscribed for pursuant to warrants under (a) (b) and (c) above will be sold to underwriters through competitive bidding. The bidding proposal will provide that the bids to the company shall be on the basis of the initial offering price to the public and shall indicate the commission to be paid by Waterworks Holding Company as compensation for the underwriting. As indicated above, any warrants offered to American's common stockholders and exchanges accepted by preferred stockholders of Community and Ohio Cities will be on the basis of the offering price to the public, as determined by the competitive bidding. The shares of common stock of Waterworks Holding Company issuable in exchange for shares of common stock of Community are not to be underwritten.

Fractions of shares of common stock of Waterworks Holding Company will not be issued upon the above-described exchanges, but such fractional interests will be represented by non-voting scrip certificates (to the nearest one thousandth of a share) entitling the holders, upon surrender thereof together with other scrip certificates aggregating one or more whole shares, during the period of two years following the initial date for making such exchanges, to receive whole shares of common stock of Waterworks Holding Company together with any dividends paid on such shares of stock subsequent to the initial date for making such exchanges and prior to the surrender of such scrip certificates. All shares of common stock of Waterworks Holding Company reserved for issuance upon surrender of scrip certificates but not so issued at the expiration of the two-year period are to be sold in the open market for the account of the holders of such scrip certificates not theretofore surrendered and Waterworks Holding Company will remit to, or hold for the account of, such holders their pro rata share of the net proceeds of the shares so sold together with their pro rata share of any dividends paid on the shares sold.

All public holders of the preferred stocks of Community and Ohio Cities not electing to take common stock of Waterworks Holding Company are to receive, upon the liquidation of these companies, cash in the sum of \$180 per share plus \$7 per share per annum from October 31, 1945, to the final date for making the exchanges and minus the amount per share of any dividends paid on such stocks after October 31, 1945, in the case of Community, and \$159 per share plus \$6 per share per annum from October 31, 1945, to the final date for making the exchanges and minus the amount per share of any dividends paid on such preferred stock after October 31, 1945, in the case of Ohio Cities.

Subsequent to the consummation of the above-described transactions, and transactions related to their consummation, American is to dissolve and liquidate. In connection with this liquidation, American will, among other things, retire all of its preferred stock, of which 199,868 shares are now outstanding with the public, by distributing to the holders thereof in cancellation of all their stockholdings the amount which they are en-

titled to receive upon the liquidation of American as determined by an order of the Commission, or a decision of a court of competent jurisdiction (which order or decision shall have become final in accordance with law). This distribution will be effected as follows: (a) if the amount to which the preferred stockholders are so entitled shall have been finally determined by the Commission or a court prior to the date fixed for distribution, American will distribute in cash the full amount to which the security holders are entitled, as so determined; or (b) if the amount to which the preferred stockholders are entitled shall not have been finally determined by the Commission or a court prior to the date of distribution to the preferred stockholders they are to receive: (i) cash equal to \$100 per share plus accrued and unpaid dividends thereon to the distribution date, and (ii) a certificate evidencing the obligation of American to pay in cash to such preferred stockholders, or their assigns, such additional amount, if any, as it may later be finally determined that the preferred stockholders are entitled to receive. American will fix the date for this distribution and will mail notice thereof to the preferred stockholders at least five days before the distribution date and prior to the distribution date will deliver to a bank or trust company in trust for the benefit of the preferred stockholders and for distribution to them the cash and certificates, if any be required, for the distribution. If certificates are to be distributed, American will also deposit in escrow with such bank or trust company as security for the payment of amounts, if any, which may become payable upon such certificates, and all expenses in connection with such escrow and payment, cash or demand non-interest bearing promissory notes of The West Penn Electric Company, a registered holding company and a direct subsidiary of American, in the aggregate principal amount of \$2,200,000. The making of this delivery to and deposit with the bank or trust company is to be in full cancellation and satisfaction of the preferred stock, and, upon the making thereof, all rights of the preferred stockholders of American as such shall terminate except the right to receive from the bank or trust company cash and certificates, if any be so delivered and deposited, with respect to the shares of the preferred stock held by them, and from and after the distribution date, dividends, as such, on the preferred stock shall cease to accrue (as indicated in Plan II, as originally filed, the Board of Directors of American will from time to time transfer to West Penn Electric cash, which American has received in connection with the consummation of Plan I, in excess of cash required by American).

The certificate of incorporation of American provides among other things that upon liquidation, dissolution, or winding up of the affairs of American, whether voluntary or involuntary, the holders of the preferred stock are entitled to receive in cash \$100 per share plus accrued dividends. The redemption price of this preferred stock is \$110 per

share plus accrued dividends to the date of redemption. The filing indicates that in the judgment of the Board of Directors of American, its preferred stockholders are entitled under the circumstances of this liquidation to \$100 per share plus accrued dividends to the date of liquidation. American has reserved the right, by appropriate proceedings, to contest any order of the Commission or decision of a court which shall determine that the preferred stockholders are entitled upon the liquidation of American to receive anything in excess of that amount.

American has requested that any order of the Commission approving its proposals under section 11 (e) of the act conform to the requirements of and contain the recitals, specification, and itemization required by Supplement R, and section 1808 (f) of the Federal Internal Revenue Code, as amended, and section 270-c (10) of the Tax Law of the State of New York.

American further requests that the order to issue with respect to its modified plans become effective forthwith upon issuance.

Applicants also request that, as provided in section 11 (e) of the act, the Commission apply to an appropriate United States District Court in accordance with the provisions of subsection (f) of section 18 of the act to enforce and carry out the plans in accordance with the terms and provisions thereof.

Notice is given that any interested person may, not later than February 11, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held with respect to the modifications proposed by American to its pending plans pursuant to section 11 (e) of the act, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by such proposed modifications which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. In the event that any such request for a hearing is received and favorably acted upon by the Commission, the hearing with respect to this request, or requests, will be convened on February 17, 1947. At any time after February 11, 1947, in the event no hearing is held with respect to the modified plans, the Commission may issue its order with respect thereto.

It is hereby ordered, That American give notice of the filing of these modifications to its plans to all known holders of its capital stock and to all known holders of the capital stocks of Community and the preferred stock of Ohio Cities by causing a copy of this notice of filing to be mailed to such holders at their respective last known addresses, such mailing to be completed not less than ten days prior to February 11, 1947.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-1105; Filed, Feb. 5, 1947;
8:52 a. m.]

[File Nos. 59-35, 59-61, 54-66]

NEW YORK WATER SERVICE CORP. ET AL.
SUPPLEMENTAL FINDINGS, OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of January A. D. 1947.

In the matters of New York Water Service Corporation, Federal Water and Gas Corporation, File No. 59-35; Federal Water and Gas Corporation and subsidiary companies (respondents), File No. 59-61; Federal Water and Gas Corporation and subsidiary companies, File No. 54-66.

On November 12, 1946, this Commission entered its findings and opinion and order, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, approving a plan for the recapitalization of New York Water Service Corporation ("New York"). See New York Water Service Corporation, et al., — S. E. C. — (1946) Holding Company Act Release No. 6994. New York, a subsidiary of Federal Water and Gas Corporation ("Federal"), a registered holding company, owns and operates water distribution systems and sells water at wholesale to a number of municipalities and water districts within the State of New York; in addition, it also controls three subsidiaries which are engaged in the same business and also operate in New York State.

The plan, approved by us as necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby, provided for the following:

(1) The reclassification of the outstanding 46,532 shares of the 6% cumulative preferred stock of New York with a par value of \$100 per share and an aggregate par value of \$4,653,200 (with dividend arrears of \$3,990,119, or \$85.75 per share as of December 31, 1945) into 46,532 shares of no par value common stock with a stated value of \$465.32, or one cent per share.

(2) The issuance by New York of 46,532 shares of such no par value common stock to the holders of the 6% cumulative preferred stock of New York in exchange for such preferred stock, on the basis of one share of such new common stock for each share of such preferred stock.

(3) No recognition accorded to the presently outstanding common stock of New York, all owned by Federal, and the surrender of such common stock by Federal to New York.

Pursuant to the request of New York, the Commission filed an application, pursuant to sections 11 (e) and 18 (f) of the act, with the District Court of the United States for the Southern District of New York for an order approving and enforcing the plan, and proceedings before that court are still pending.

On December 13, 1946, and January 28, 1947, New York filed with this Commission amendments to the plan, which provide for a change in the proposed stated value of the new no par value common stock from \$465.32, or one cent per share, to \$46,532, or one dollar per share. It appears from the amend-

ments that the change in the stated value of the new common stock is being made to satisfy the requirements of the Stock Corporation Law of the State of New York.

The plan as above amended has been filed with the New York Commission, which on January 23, 1947, adopted a memorandum indicating that it would approve the amended plan subject to similar conditions contained in its previous memorandum approving the plan (see footnote 9 of Holding Company Act Release No. 6994). The above-described change in the stated value of the new common stock of New York does not modify our previously expressed opinion that the plan is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby.

It is therefore ordered, Pursuant to section 11 (e) and other applicable sections of the act, that the plan, as amended be, and it hereby is, approved, subject, however, to the same terms and conditions of our order of November 12, 1946 (Holding Company Act Release No. 6994).

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-1102; Filed, Feb. 5, 1947;
8:52 a. m.]

[File No. 70-1426]

PUBLIC SERVICE CO. OF NEW MEXICO

NOTICE OF FILING AND ORDER EXTENDING TIME WITHIN WHICH A HEARING MAY BE REQUESTED

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of January 1947.

Notice is hereby given that Public Service Company of New Mexico ("Public Service"), a public utility subsidiary of Federal Light & Traction Company, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935. Applicant designates section 6 (b) of the act as applicable to the proposed transaction.

The Commission, under date of January 16, 1947, issued its notice of filing (Holding Company Act Release No. 7137) with respect to the matter herein and, pursuant to the provisions of Rule U-23, specified January 27, 1947 as the date by which any interested person might request a hearing. In addition to service of said notice upon certain interested persons, copies thereof were released to the press and mailed to persons on the Commission's mailing lists. However, publication of said notice in the FEDERAL REGISTER was inadvertently omitted and the Commission deeming it appropriate to extend the time within which any interested person may request that a hearing be held:

It is ordered, That the time within which any interested person may request that a hearing be held in this matter be, and hereby is, extended to and including February 13, 1947.

Notice is given of such extension of time and that any interested person may request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after February 13, 1947 said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application, which is on file in the office of this Commission, for a statement of the transaction therein proposed which is summarized below:

Public Service proposes to borrow \$1,000,000 from Irving Trust Company and to issue in evidence thereof its promissory note with a maturity of nine months and bearing interest at the rate of 2% per annum. The issuance of such note is for the stated purpose of temporarily financing additional construction in the territory served by the company.

The amount of such note will constitute approximately 11% of the principal amount and par value of other outstanding securities of Public Service and the company requests authorization, pursuant to the first sentence of section 6 (b) of the act, to issue such note. It is represented by the applicant that no State commission has jurisdiction over the proposed transaction.

The applicant requests that the Commission's order granting said application be issued as soon as practicable and become effective immediately upon issuance.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-1106; Filed, Feb. 5, 1947;
8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 8030]

REAL PROPERTY OWNED BY GERMANY

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Real property situated in the City of Washington, District of Columbia, particularly described in Exhibits A and B, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

EXHIBIT A

All of lots Forty-three (43) and Forty-four (44) and parts of Lots Forty-one (41), Forty-two (42) and Forty-five (45) in William Walter Phelps and LeRoy Tuttle's subdivision of part of the tract of land known as "The Widow's Mite", as per plat recorded in Liber County No. 6 folio 65 of the Records of the Office of the Surveyor of the District of Columbia, described in one parcel as follows:—Beginning for the same at the intersection of the North line of S Street, as dedicated and shown on plat recorded in Liber County No. 15 folio 2 of the aforesaid Surveyor's Office Records, with the Westerly line of Phelps Place, as dedicated and shown on plat recorded in Liber No. 43 folio 109 of the aforesaid Surveyor's Office Records, and running thence Northerly along the Westerly line of Phelps Place, One hundred and ninety-nine and twenty-three hundredths (199.23) feet more or less, to a point distant Twenty-five (25) feet Southeasterly from the Northeast corner of said Lot Forty-five (45), and running thence Southwesterly along a line parallel with the South line of said Lot Forty-five (45), One hundred and seventy and twelve hundredths (170.12) feet more or less to the Westerly line of said Lot Forty-five (45); thence Southeasterly along the Westerly or rear line of said Lots Forty-five (45), Forty-four (44), Forty-three (43) and Forty-two (42), to the North line of S Street, as dedicated as aforesaid; and thence East along the said North line of said Street, to the point of beginning.

EXHIBIT B

Part of a tract of land known as "The Widow's Mite" contained within the following metes and bounds, viz: Beginning for the same on the North line of S Street (as said street is shown on plat recorded in Liber County No. 10 Folio 50 of the records of the Office of the Surveyor of said District) where the same is intersected by the West

line of Phelps and Tuttle's subdivision of part of said tract called "The Widow's Mite", as per plat recorded in Liber No. 6 Folio 65 of said Surveyors Office Records, and running thence West along said North line of S Street, Three Hundred and one and sixty-two hundredths (301.62) feet, to a point in said line of said Street, distant One Hundred and sixty-seven and Ninety-three hundredths (167.93) feet east of Twenty-Third Street; thence North along the East line of the land conveyed by Charles H. Davidson to Elizabeth P. Mitchell by Deed recorded in Liber No. 2558, Folio 275 of the Land Records of the District of Columbia, One Hundred and Ninety-five (195) feet; thence East parallel with S Street, Two Hundred and twenty-five and eighty-six hundredths (225.86) feet; to the West line of said Phelps and Tuttle's subdivision thence along said West line South Twenty-one (21) degrees, Fourteen (14) minutes East, Two Hundred and nine and Two-tenths (209.2) feet, to the point of beginning.

[F. R. Doc. 47-1088; Filed, Feb. 4, 1947; 9:08 a. m.]

[Vesting Order 8041]

C. M. GEHRKENS

In re: Trust created under will of C. M. Gehrrens, also known as Christian M. Gehrrens. File D-28-9243; E. T. sec. 12120.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Heinrich Reichers and Wilhelm Reichers, and each of them, in and to the Trust created under will of C. M. Gehrrens, also known as Christian M. Gehrrens, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Heinrich Reichers, Germany.
Wilhelm Reichers, Germany.

That such property is in the process of administration by A. W. Brunton, as Trustee, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles.

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1089; Filed, Feb. 4, 1947; 9:08 a. m.]

[Vesting Order 8007]

ELIZABETH P. LYNCH

In re: Estate of Elizabeth P. Lynch, deceased, and trust under the will of Elizabeth P. Lynch, deceased. File D-28-11075; E. T. sec. 15509.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Isa von Craushaar, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Elizabeth P. Lynch, deceased, and in and to the trust created under the will of Elizabeth P. Lynch, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by National Savings and Trust Company, as executor and trustee, acting under the judicial supervision of the Orphans' Court of Franklin County, Harrisburg, Pennsylvania;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and

Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1123; Filed, Feb. 5, 1947; 8:56 a. m.]

[Vesting Order 8011]

BERTHA A. M. OFF

In re: Trust under the will of Bertha A. M. Off also known as Bertha Off, deceased. File D-28-10236; E. T. sec. 14586.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Auguste Emma Helene Off and Mathilde K. B. A. Reimenschneider, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Bertha A. M. Off also known as Bertha Off, deceased, and in and to the Trust under the will of Bertha A. M. Off also known as Bertha Off, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by National Savings and Trust Company of Washington, D. C., as Executor, acting under the judicial supervision of the District Court of the United States for the District of Columbia;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942,

3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 16, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1124; Filed, Feb. 5, 1947;
8:56 a. m.]

Claimant	Claim No.	Vesting Order No.	Property	Location
Raoul Roland Raymond Sarazin, 11 Sq. Moncey, Paris (Seine) France.	5092	1589 (8 F. R. 10583).	All right, title and interest owned and held by Raoul Roland Raymond Sarazin in U. S. Patent Nos. Re. 20,773 (issued June 28, 1938), 2,079,227 and 2,202,967, immediately prior to the vesting thereof including all damages and profits recoverable at law or in equity from any person, firm, corporation or government (other than the Government of the United States) for infringement thereof prior to July 8, 1943; provided, there is expressly reserved all interests and rights in any and all agreements relating thereto, including all royalties and other monies now or hereafter payable or held with respect to said interests and rights and all damages for breach of said agreements, together with the right to sue therefor.	Washington, D. C.

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1138; Filed, Feb. 5, 1947;
9:00 a. m.]

[Vesting Order 8034]

JOHN RIDGELY CARTER

In re: Trust under the will of John Ridgely Carter, deceased. File No. D-28-9062; E. T. sec. 11579.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Camilla Mildred Nicola von Stauffenberg, John Sebastian von Stauffenberg, Patrick von Stauffenberg, and "Shirley" von Stauffenberg, and each of them, in and to the trust under the will of John Ridgely Carter, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Addresses

Camilla Mildred Nicola von Stauffenberg, Germany.

John Sebastian von Stauffenberg, Germany.

Patrick von Stauffenberg, Germany.

"Shirley" von Stauffenberg (the name "Shirley" is fictitious, the true first name being unknown), Germany.

That such property is in the process of administration by J. P. Morgan & Co., Incorporated, as Administrator, c. t. a. and Trustee under the will of John Ridgely Carter, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

RAOUL ROLAND RAYMOND SARAZIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return the following vested property on or after 30 days from the date of the publication hereof, less any authorized deductions:

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1125; Filed, Feb. 5, 1947;
8:57 a. m.]

[Vesting Order 8059]

RICHARD C. R. TAGGESELL

In re: Trust u/w of Richard C. R. Taggesell, deceased. File D-28-6566; E. T. sec. 4514.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That all right, title, interest and claim of any kind or character whatsoever of the City of Dresden, Germany, in and to the trust created under the will of Richard C. R. Taggesell, deceased, is property payable or deliverable to, or claimed by, the aforesaid City of Dresden, Germany, a political subdivision of a designated enemy country, (Germany);

2. That such property is in the process of administration by the Manufacturers & Traders Trust Company, as trustee, acting under the judicial supervision of the Surrogate's Court of Erie County, New York.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50; Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1126; Filed, Feb. 5, 1947;
8:57 a. m.]

[Vesting Order 8060]

PETER UTZENRATH

In re: Trust under the will of Peter Utzenrath, deceased. File No. D-28-9639; E. T. sec. No. 13383.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mrs. Katherine Rosenbach, Mrs. Sophie Langenstrahs and Mrs. Lena Schleicher, and each of them, in and to the Trust created under the will of Peter Utzenrath, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Mrs. Katherine Rosenbach, Germany.

Mrs. Sophie Langenstrahs, Germany.

Mrs. Lena Schleicher, Germany.

That such property is in the process of administration by the Camden Trust Company, Camden, New Jersey, as Substituted Trustee, acting under the judi-

cial supervision of the Camden County Orphans' Court, Camden, New Jersey;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1127; Filed, Feb. 5, 1947; 8:57 a. m.]

[Vesting Order 8074]

AMY TODA

In re: Bond owned by Amy Toda.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Amy Toda, whose last known address is 7 Aobacho, Shibuya-Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: One (1) United States Savings Bond, due August 1946, of \$1,000 face value, bearing the number M313495B, registered in the names of Miss Martha Toda or Miss Amy Toda, presently in the custody of Martha Toda, 19 Compton Street, New Haven 11, Connecticut, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States re-

quires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 22, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1128; Filed, Feb. 5, 1947; 8:57 a. m.]

[Vesting Order 8085]

MRS. ERNESTINE HARMS

In re: Bonds and savings share account owned by and debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Ernestine Harms, deceased. D-28-8301-A-1, D-28-8301-C-1, D-28-8301-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Ernestine Harms, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Four (4) United States Treasury 2½% Bonds of 1965-70, dated February 1, 1944, each of \$1,000 face value, presently in the custody of First Federal Savings & Loan Association of Augusta, Augusta, Georgia, in an account maintained in the name of Fritz Busche, as agent for Mrs. Ernestine Harms, together with any and all rights thereunder and thereto,

b. That certain debt or other obligation of First Federal Savings & Loan Association of Augusta, Augusta, Georgia, arising out of a savings share account, Account Number 904, entitled Mrs. Ernestine Harms by Fritz Busche Agent, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and

distributees of Mrs. Ernestine Harms, deceased, by Fritz Busche, 373 East Avenue, Mobile, Alabama, in the amount of \$6,-298.35, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Ernestine Harms, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1129; Filed, Feb. 5, 1947; 8:57 a. m.]

[Vesting Order 8120]

GINZO HOTSUKA ET AL.

In re: Bank accounts owned by Ginzo Hotsuka and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a resident of Japan and a national of a designated enemy country (Japan);

2. That each corporation, partnership, association or other business organization whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a corporation, part-

nership, association or other business organization organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

3. That the property described as follows: Those certain debts or other obligations owing to the persons listed in Exhibit A, attached hereto and by reference made a part hereof, by Sumitomo Bank of Seattle, Room 1210, 1411 Fourth Avenue Building, Seattle, Washington, arising out of bank accounts described in Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be

treated as nationals of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

EXHIBIT A

Name and last known address of creditor	Description of account	File No.
Ginzo Hotsuka, Ehime-Ken Nishitwa-Gun Mikame-Cho, Japan.	Savings account number 2024, entitled Ginzo Hotsuka.	F-39-5662-E-1.
K. Sakamoto, Japan.	Savings account number 8620, entitled K. Sakamoto.	F-39-5682-E-1.
T. Senzai, Japan.	Checking account, entitled T. Senzai.	F-39-5683-E-1.
T. Yamaguchi, Japan.	Savings account number 8987, entitled T. Yamaguchi.	F-39-5688-E-1.
Nisso Jinkin Pulp Kabushiki Kaisha, Japan.	Checking account, entitled Nisso Jinkin Pulp Kabushiki Kaisha.	F-39-2967-E-1.
M. Okazaki, Japan.	Savings account number 9645, entitled M. Okazaki.	F-39-2814-E-1.
Kenzo Takayanagi, Kanagawa, Japan.	Checking account, entitled Kenzo Takayanagi.	F-39-1708-E-1.
Josaburo Inada, Sago-Tani Nura, Asa-na, Shiro-Sago Uzuriha, Saiki-Gun, Hiroshima-Ken Kobe, Japan.	Savings account number 9520, entitled Josaburo Inada.	F-39-61-E-1.
Mrs. K. Teshirogo, Japan.	Savings account number 7442, entitled Mrs. K. Teshirogo.	F-39-1348-E-2.

[F. R. Doc. 47-1132; Filed, Feb. 5, 1947; 8:57 a. m.]

[Vesting Order 8086]

E. HEIMANN

In re: Stock, bond coupons and bank account owned by E. Heimann. F-28-25363-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That E. Heimann, the last known address of which is Breslau, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred (100) shares of \$100 par value 6% cumulative preferred capital stock of Havana Electric Railway Company, Avenida Simon Bolivar 67,

Havana, Cuba, a corporation organized under the laws of the State of Maine, evidenced by certificate number NY 239, registered in the name of Speyer & Co., and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon,

b. One hundred ten (110) shares of no par value common capital stock of Havana Electric Railway Company, Avenida Simon Bolivar 67, Havana, Cuba, a corporation organized under the laws of the State of Maine, evidenced by certificate number NY 952 for one hundred (100) shares, registered in the name of Robert M. Lowitz, and certificate number NY 097 for ten (10) shares, registered in the name of Emil Rauchheld, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with all declared and unpaid dividends thereon,

c. Ninety-one (91) coupons, of \$20 face value each, detached from each of four (4) St. Louis Southwestern Railway Company second mortgage gold income bond

certificates, bearing numbers 3450, 2841, 307 and 3856, being three hundred sixty-four (364) coupons in all, said coupons being presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, and

d. That certain debt or other obligation owing to E. Heimann, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a cash custodian account, entitled E. Heimann, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-1130; Filed, Feb. 5, 1947; 8:57 a. m.]

[Vesting Order 8088]

LOUIS MATHIAS

In re: Stock owned by Louis Mathias. F-28-10817-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louis Mathias, whose last known address is Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows: Thirteen hundred (1,300) shares

of \$1.00 par value common capital stock of Sicks' Brewing Company, 268 South Commercial Street, Salem, Oregon, evidenced by certificate numbered 174 for 1000 shares and certificate numbered 175 for 300 shares, and registered in the name of Louis Mathias, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1131; Filed, Feb. 5, 1947; 8:57 a. m.]

[Vesting Order 8125]

SHIKAZO MURAKAMI

In re: Debt owing to Shikazo Murakami. F-39-5106-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shikazo Murakami, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shikazo Murakami, by the Manufacturers Life Insurance Company, San Francisco Branch, 111 Sutter Street, San Francisco, California, in the amount of \$163.22, as of July 8, 1946, together

with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1133; Filed, Feb. 5, 1947; 8:58 a. m.]

[Vesting Order 8126]

LOUISE NESTMANN

In re: Bank account owned by Louise Nestmann. F-28-23402-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Nestmann, whose last known address is Schwerin Strasse, Cottbus, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Louise Nestmann by The United States National Bank of Portland, P. O. Box 4410, Portland 8, Oregon, arising out of a savings account, Account Number 2998, entitled Louise Nestmann, maintained at the branch office of the aforesaid bank located at Pendleton, Oregon, and any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1134; Filed, Feb. 5, 1947; 8:58 a. m.]

[Vesting Order 8131]

AMALIE AND JACOB TAFS

In re: Bank account owned by Amalie Tafs and Jacob Tafs. F-28-8940-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Amalie Tafs and Jacob Tafs, whose last known addresses are Pasewalk, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Amalie Tafs and Jacob Tafs, by Society for Savings in the City of Cleveland, 127 Public Square, Cleveland, Ohio, arising out of a joint savings account, Account Number 541957, entitled Amalie Tafs and husband Jacob Tafs, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the

aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1135; Filed, Feb. 5, 1947;
8:58 a. m.]

[Vesting Order CE-355, Amdt.]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN HAWAII COURTS

Vesting Order CE-355, dated January 14, 1947, is hereby amended as follows and not otherwise:

By deleting the word "same" appearing in Column 3 of Item 2 in Exhibit A

of said Vesting Order CE-355, and substituting therefor the following:

Estate of Florentino Somera Moises, deceased, Probate No. 13368 in the Circuit Court of the First Judicial Circuit, Terr. of Hawaii;

All other provisions of said Vesting Order CE-355 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 31, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1137; Filed, Feb. 5, 1947;
9:00 a. m.]

[Vesting Order 8137]

T. TASHIRO

In re Bank account owned by T. Tashiro, F-39-4810-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That T. Tashiro, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to T. Tashiro, by Bank of America National Trust and Savings Association, 300 Montgomery Street, San

Francisco, California, arising out of a checking account entitled T. Tashiro, maintained at the branch office of the aforesaid bank located at Fillmore, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-1136; Filed, Feb. 5, 1947;
8:58 a. m.]